





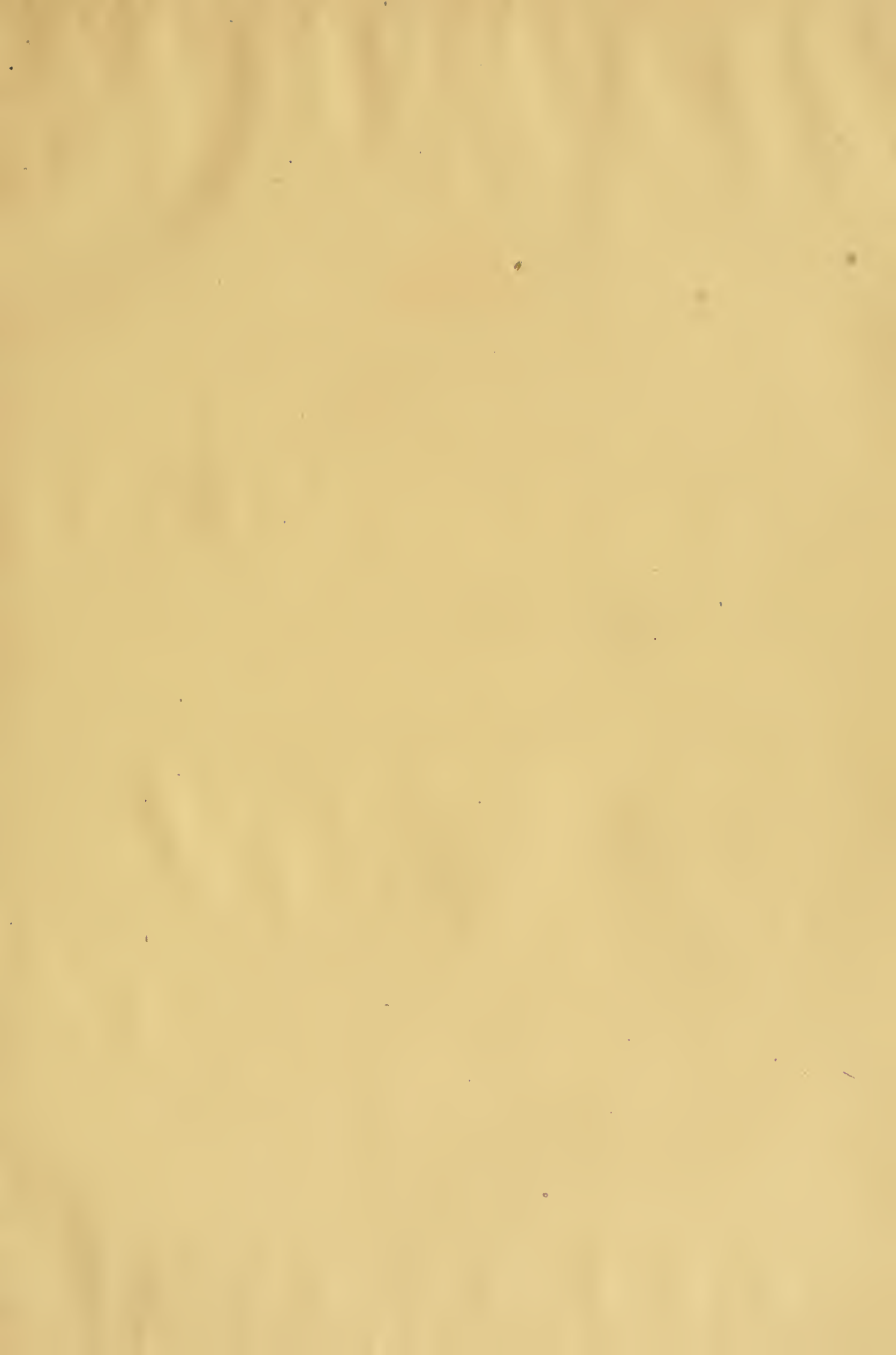


*Leonard L. Hartley Esq.*

No 2500.58 Nos. 1, 2

1865













# Report

ON

# THE RECORDS

OF THE

# BOROUGH OF COLCHESTER,

1865.

\* 200.58

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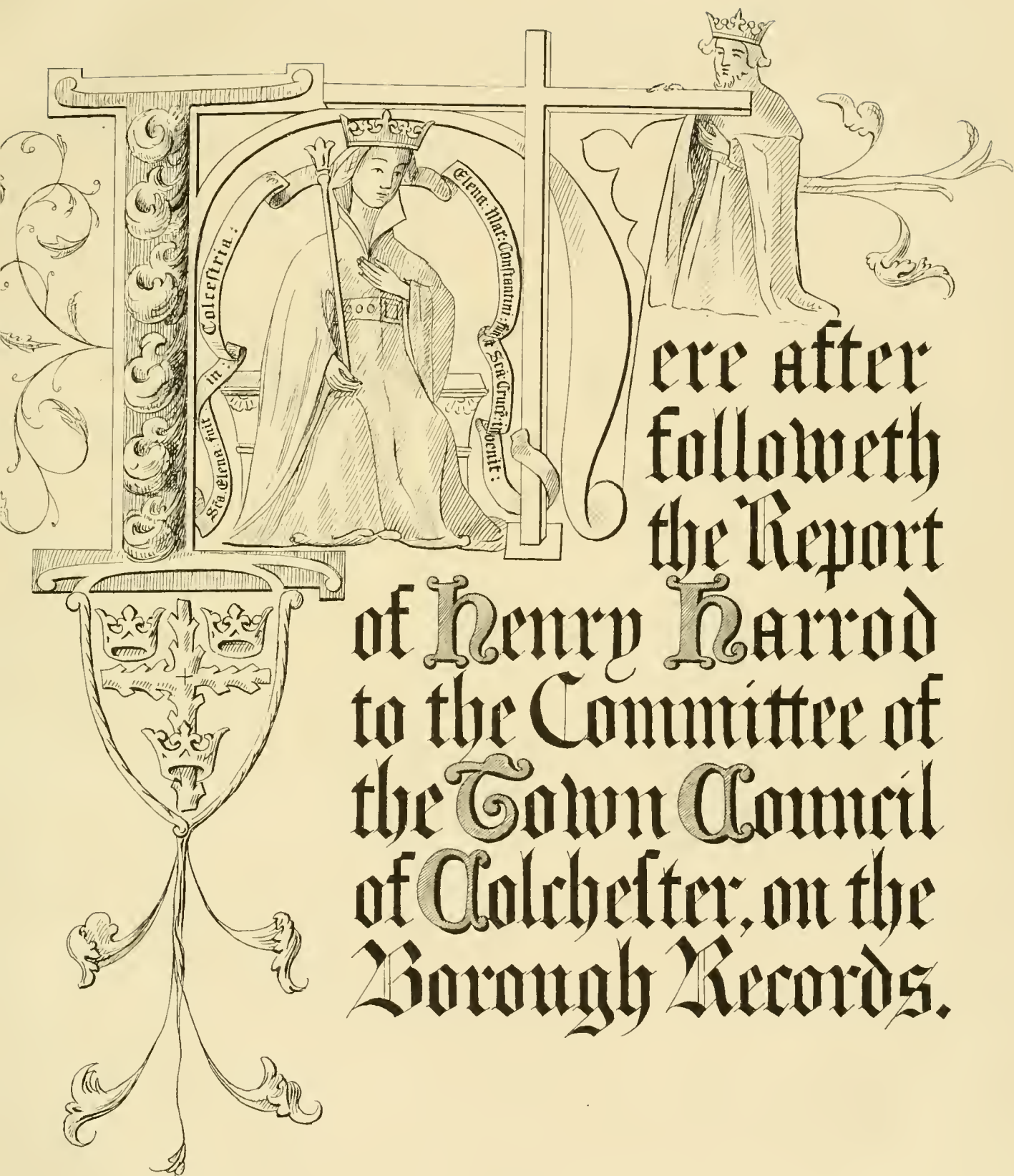
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followeth  
the Report  
of Henry Harrod  
to the Committee of  
the Town Council  
of Colchester, on the  
Borough Records.



# Colchester Town Council.

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AT A MEETING OF THE COUNCIL, HELD AT THE TOWN HALL, ON MONDAY, THE 27TH OF FEBRUARY, 1865, THE FOLLOWING RESOLUTION WAS UNANIMOUSLY AGREED TO:—

*“ That MR. HENRY HARROD be employed to Arrange and Index the Corporation Records, and that MR. ALDERMAN EDWARD WILLIAMS and MR. COUNCILLOR JOHN BAWTREE HARVEY be requested to superintend such arrangement.”*

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AT A MEETING OF THE TOWN COUNCIL, HELD ON THE 30TH DAY OF OCTOBER, 1865, THE RECORD COMMITTEE REPORTED THAT THE BOROUGH RECORDS HAD BEEN ARRANGED IN THE NEW RECORD ROOM AT THE CASTLE; AND PLACED BEFORE THE COUNCIL THE REPERTORY, THE CALENDAR OF COURT ROLLS, LIST OF BAILIFFS, AND GENERAL REPORT PREPARED BY MR. HARROD, AND IT WAS UNANIMOUSLY RESOLVED—

*“ That the Repertory, Calendar, and Report be printed, and Copies presented to each Member of the Council; and that such number of Copies be printed for sale as the Committee may determine, and that a Copy be placed in the Record Room, and Copies sent to the British Museum and the principal Libraries in England.”*

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London, August 20th, 1865.

## To the Record Committee of the Borough of Colchester.

GENTLEMEN,

Having arranged your Records in the Room prepared for them at the Castle, and made a Repertory of them and a Calendar of the Court Rolls, I now proceed to furnish you with a Report on their state and character, and some little account of the information to be derived from them.

I have divided them first of all into the two obvious Classes—of DOCUMENTS and BOOKS. These, again, I have subdivided into the following Classes :—

- |                      |                            |
|----------------------|----------------------------|
| 1. <i>Documents.</i> | 1. Charters.               |
|                      | 2. Deeds and Writings.     |
|                      | 3. Court Rolls.            |
|                      | 4. Sessions Rolls.         |
|                      | 5. Corporation Accounts.   |
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|                      | 2. Court Books.            |
|                      | 3. Sessions Books.         |
|                      | 4. Account Books.          |
|                      | 5. Burgesses Rolls.        |
|                      | 6. Oaths, Ordinances, &c.  |
|                      | 7. Miscellaneous.          |

### I.—Of the Charters.

From memoranda of Mr. Strutt, it appears that no Charters have been lost since his time. Of all the early ones that indefatigable investigator has in a Book marked “*Cartæ Colcestriæ*” made very careful transcripts. The volume ought to be completed by insertion of the rest of the Charters, for which there is ample room.

Considering their importance as the Title Deeds of the Borough, they have been subjected to very bad treatment—not a seal remaining entire, and some of them requiring careful repair to prevent further mischief.

They are not "got up" so expensively as usual, the only one on which any outlay for illumination has been made is the Charter of Henry V. It is singular that Morant describes the Initial Letter, which is very handsome, and mentions the figure of St. Helena and the Cross; but entirely omits all mention of Constantine, who stands on her left hand holding the left limb of the Cross.

### II.—Of the Deeds and Writings.

These are not very numerous or very important. Foremost among them is the Grant by Edward VI. of the Chantry Lands in consideration of £284. 5s.

A Deed of 16th Charles I. is preserved, simply because its description assists in determining the Borough Boundary.

The Deeds relating to the Fishery are the Leases in the latter part of the seventeenth, and the early part of the last, century, and the arrangements with the Oyster Dredgers by the Lessees.

There are a number of Papers and Letters relating to the Severalls Estate and the encroachments there in 1756, Quietuses for the Fee Farm Rent, and an original Perambulation in 1801, made under the careful supervision of Mr. Strutt.

### III.—Of the Court Rolls.

These Rolls begin in the reign of Edward II., of whose reign but two remain, and it is not until the 3rd and 4th Edward III. that they go on with any regularity.

This, however, was not the beginning of them, as we have evidence of the existence of much earlier ones now lost. In the Red Parchment Book (Oath Book as it is now called) a Perambulation at fo. 1 is stated to have been taken from the Rolls of the 6th Edward I., and in the "Red Paper Book" is an extract made early in the reign of Richard II. from those of the 56th year of Henry III.

Morant, I am sorry to say, must have lost many of them; he seems to have conceived that having once embalmed the information he thought of moment in his pages, they could be of no further use to the Town, so he actually deposited some in his Parish Chest as affording useful information to his parishioners about Parish Lands. These were, however, restored in 1821, but he speaks, at p. 123, of "a small roll of 56th Henry III., and one of Richard I.," or "John," as "penes me." These are lost.

The main part of these Rolls is occupied by entries of actions, complaints, pleadings, essoigns, judgments, and other proceedings of the Borough Courts. In the earliest Rolls some of the Corporation Ordinances and proceedings are entered, but are not continued very long.

The taste for litigation in early days seems to have been very great, but what may be called its Golden Age was the early years of Richard II., the number of

Rolls then ran up to 50 and 60 in every year, closely written in a small but not very neat hand on both sides the membrane ; in the 11th and 12th year the number rose to 71. Subsequently, in the time of James, the number of Rolls sometimes reach from 50 to 60, but the writing is very much larger and wider, and blank spaces frequent.

In the reign of Henry VIII. the entries of the formal parts of actions in a great measure ceased, and were entered only in the Paper Minute Books of the Courts, the total of fines and fees, and the special pleas, alone appearing on the Rolls, with occasionally the entry, pretty nearly in full, of any important case.

In the few Rolls of Edward II. the Courts are on Tuesdays, Wednesdays and Fridays, as well as on the Monday—sometimes at different hours on the same day—the Monday Court being alone entitled the “ Hundred Court ; ” the cases on other days being entitled “ Pleas of Colchester on,” &c. It is not until the Rolls of the 6th Henry IV. that the Thursday seems to be expressly set apart as a Foreign Court day.

In such a mass of minute litigation it would be as impossible to extract much of general interest as from County Court proceedings in the present day. There is (as usual) in the earlier Rolls, a curious collection of strange surnames, some easily traced to the occupation of the bearer—as Simon Barbitonsour, John le Lambeherde, Henry le Wodehewer, John le Ventoser, Gervaise Cissor. Others, from their place of birth or residence, as Richard de Berholt, Simon de Doniland, Adam Attewelle, John de Tendring. Some are only sons of a father without surname, as Ralph, son of the Priest ; Warin, son of William ; Matthew, son of Robert ; which, subsequently, came to be families of Priestsson, Williamson and Robertson. There are others of which the origin may be guessed, and some of which it is impossible to hazard a suggestion. The “ Opethewalls ” appear to have held a place where the Town Wall was broken down. Brun Robin was Robert with the brown hair. Thomas Godfelawe, or Goodfellow, was, possibly, what the name implies ; but it is more difficult to deal with John Maydengod, William Pentecost, Richard Pegon, and Simon le “ Eskermisur.”

Many cases might be selected of interest to the general reader. I give an abstract of one, not because it is more interesting than others I could have taken, but because it shows how stoutly the Burghs of England in the middle ages maintained their rights against invasion by, or in the name of, the King.

At a Court held in the Feast of St. Dunstan, in the 5th year of Henry IV., in a case of William Cotell and Katherine his wife against Thomas Seynt John and Cecilia his wife for a Trespass, the defendants did not appear, and the Serjeants stated they had no goods within the Burgh Liberties they could attach, whereupon it was ordered to attach their bodies and bring them before the Court on the



Thursday following to answer the plaint. On which day the Serjeants produced them, and William and Katherine complained that Cecilia, on the tenth of August, in the nineteenth year of King Richard II., broke into and entered their Close and Houses in the Parish of St. James, in the East Ward, and committed other offences to the damage of the said William of £40, and against the peace, &c. In reply the Defendant said that no trespass was committed at the time named, for at that time she was the wife of one William Sutton, now dead. And the Wednesday after St. Petronilla is fixed for a further hearing of the case. On which day it appeared to the Bailiffs that Defendants had offered nothing in excuse for the trespass, and a Jury was ordered to be summoned for the following Wednesday to assess the damages. The Jury was empanelled on that day, but before anything was done the Defendant sought to stay further proceeding by producing the following document :—

“ Henry by the Grace of God, &c., being a ‘ protection ’ for the said Thomas, who is therein stated to be ‘ in our service ’ under Thomas Lord Berkeley, ‘ our Admiral in the West and South, and there remaining in the same service concerning the safe keeping of the Sea,’ and requiring all Bailiffs, Justices, &c., to protect the men, lands, rents, and all other possessions of the same Thomas. Dated the 3rd of June in the 5th year.”

But the Bailiffs demurred to admit the same because there was no Writ to them, and because it stated that he was in the service of the Admiral on the Sea, whereas instead of being so there he was before them in their Court. Therefore they proceeded to enquire about the damage, which the Jury assessed at £20, and the Defendants were committed to Gaol until, &c.

Another case was also heard between the same parties for a trespass on the same premises by both Defendants on the 12th of October then last. To which the Defendants pleaded that John, the brother of the Defendant Cecilia, whose heir she was, died seized of the premises, and on his death one Geoffrey Cokefield entered and enfeoffed one John Skyrwhyte, whose estate in the premises the Plaintiffs now have. And that thereupon Defendants, to enforce their legal rights, entered, and were ejected by the Plaintiffs, and they then prosecuted an assize of novel disseizin before William Hankford and other Justices. Original Writ dated 16th October, in the 5th year, which was not continued, but as another assize was depending before the same Justices, the present action could not be brought.

To which the Plaintiffs replied that Cecilia had no such brother, and that no Assize of Novel Disseisin was pending. A day was named for a Jury, when one was empanelled, and the said Thomas sought to stop it by the King’s Letter of Protection as before. But this was again over-ruled for the reasons before given. The Jury assessed the damages at £20, and the Defendants were committed to Gaol, there to remain until, &c.



A Court, which for a time obtained some popularity for the speedy justice it professed to administer, was the Curia Regis Pedis Pulverizatis, or Pie Poudré Court, held during fairs and markets. The proceedings of these Courts are rarely recorded, and when they are the record is usually cut as short as possible. But the first recorded Court on these Rolls (whether on account of the novelty or for what other reason does not appear), in the 21st and 22nd Rolls of Henry VI., has three cases stated with great minuteness, and show the character of the proceedings so well, that I have made a copious abstract of one of them. The curious way in which the time occupied by the proceedings is curtailed by fixing different hours of the same day for the various stages of the action, which would have otherwise been taken at successive Court days, is very amusing. The proceedings themselves are not shortened a bit, only the time intervening between each step, and the conclusion of the case leaving the Plaintiff open to a renewal of the contest on Defendant pleading within a year and a day, must have been rather unsatisfactory.

“ Pie Powder Court held at the Moot Hall before the Bailiffs according to the custom of the Town *beyond memory* (this is inconsistent with the notion of novelty) and by reason of the Market held all day on Friday before the feast of the Invention of the Holy Cross at the 8th hour in the forenoon of that day.”

“ To this Court came Thomas Smith, who complained of Cristina Van Bondelyn being indebted to him £60.10.10, and he found pledges to prosecute his suit, and the Serjeant was ordered to summon her before the Court at the *ninth* hour.”

“ At the ninth hour Plaintiff again appeared, the Serjeant certified service of summons but Defendant did not appear. Precept therefore to Serjeant to attach her goods and chattels so that she should appear at the *tenth* hour.”

“ Again Plaintiff appeared at the tenth hour but no Defendant, and the Serjeant certified that he had attached twenty-three woollen cloths belonging to her. An order made to record a first default and summon her for the *eleventh* hour.”

“ Again at the eleventh hour was Plaintiff present but no Defendant. A *second default* was recorded, and a summons issued for her appearance at the first hour after noon.”

“ At that hour Plaintiff again presented himself but the Defendant still contumacious, and a *third default* recorded. Plaintiff was then permitted to prove his debt and appraisers were sworn to inspect and value the goods seized. Judgment recorded for Plaintiff for his debt and 26s. 8d. damages.”

“ At the fourth hour p.m. the appraisers returned the value of the goods at £61..4, which were delivered to Plaintiff, he finding pledges to answer Defendant in the said Court *should she plead in a year and a day*” (that is on the Fair Day in the following year).

Of the other matters mentioned in the Rolls the Calendar will give full information ; it may not be amiss, however, to refer to a few of the more interesting in this Report.

In the time of Edward II. the business of the Town appears to have been carried on in the Hundred Court, and although the Bailiffs took the lead they were assisted

by a number of the chief men of the Town. The style of the Corporation at that time was "the Community of the Burgesses of the Town of Colchester."

All the proceedings were entered indiscriminately—as they occurred so were they recorded. Among entries of Plaints for debts and trespasses we come upon proceedings against Tavern Keepers for mixing old and new wine (4 and 5 Edward II., Roll 3), a proceeding against a Butcher for selling bad meat.

"Robert Barefot attached to answer concerning putrid meat exposed by him for sale in Colchester Market, came before the Bailiffs and Burgesses associated with them and said that the meat was good and of sweet savour, and fit to buy and sell."

"Inquest of Butchers and other trustworthy persons thereon say that it is putrid and tainted, and not fit for men's use. Therefore forfeited and Robert amerced 12<sup>d</sup>." [He must have been Robert Barefaced.] "And found pledges Adam Scot and Ralph Raven."

"Henry of Gyppeswie taken and detained in the prison of Colchester for stealing a piece of iron value fivepence; as it was of no greater value, adjudged to the Pillory." (4 and 5 Edward II., Roll 4.)

The full Assembly of the Burgesses not only determined such matters as the opposition to the claim of the Bishop of London and his tenants of Chelmsford to be free of Toll (the opposition to which was that he could only claim exemption for things belonging or arising to the use of Saint Paul's Church, London, and not otherwise), but also in a case where Richard Musse and his companions had been taken in Head Street as thieves, they "ordained" that neither with or without Writ should they be re-pledged, but kept safe and secure in prison till the next Gaol delivery. In the records of both these cases the names of the Burgesses concerned are given. I add them here, as showing the names of those composing the Corporation at the time.

To the first, were Robert Olyver, Elyas son of John, John de Ford, Ralph Ode, William Clerk, Andrew Clerk, William Plumsted, Matthew le Ver . . . . . Noreys Ralph Sefar, Richard atte Gate, William de Sartrin, John de Tendring, William Gray, Richard de Upton, Richard Tincter, Adam de . . . . Adam de Cogg, Henry Denny, Nicholas le Gros, William Persale, William Potte, Alexander Tabenar, J. Tincter, and Roger Tincter.

To the other, the same parties with the addition "and others."

The Grants and Surrenders of Land by and to the Corporation appear to relate entirely to small narrow pieces of Waste Land by the Streets, Ways and Town Wall—portions of the Town Ditch, Stalls in the Market, and curtilages of the Moot Hall. A small annual rent was generally reserved, and on transfer to other parties they were surrendered to the Bailiffs, who delivered seisin by the rod to the purchaser, he paying a fine and rent and service, exactly as in Copyhold transfers in the present day.

In the 3rd and 4th year of Richard II. a sufficient piece of land is granted to place three stulps, which are Anglicised "spores" for "spars" or "posts," to support a certain Vine opposite the House of one Clement Dyer, in North Street. An entry affording an instance of the culture of a Vine in the front of a House, and also of the use of a rather rare word "stulps."

Land is granted, too, along Maydenburgh Street on the one side and the Castle Ditch on the other, accurately marking the old Boundary between the Corporate and the King's Land. From them it appears, also, that the West gate of the Castle stood at the head of the narrow way which still leads up to the south side of the Castle.

The Postern Gates on the North and South sides of the town are called North Sherd and South Sherd; the North Gate is also sometimes the Rye or Rhce Gate, and the South referred to as "in Chero." East Gate and Head Gate are Est Gate and Heved Gate, and there is a North Gate beside the Postern I have just referred to. The Balkerne Gate, in earlier times the main entrance to the Town, appears entirely disused. In a case in the Red Paper Book concerning the burning a heretic in the 7th of Henry VI., it is called "Colkynes Castle," a name which appears to me decidedly of Saxon origin. King Coel's Pump, and King Coel's Palace, may very well be of mediæval origin—not so the "Colkyns," which represents a genuine Saxon epithet. In legal proceedings it (or the adjoining land, perhaps,) was at a much earlier period alluded to as the Balkern. In the Gaol Delivery Roll for the 9th year of Edward I., John Boneton "detained in prison for "the death of Richard Mareschall at Balkerne says he is not guilty and puts "himself on the Country who say he is not guilty, therefore acquitted."

Before the commencement of these Rolls the town proper had extended in several directions far beyond the Roman Walls. East Street had travelled down the Hill and crossed the River and gained the Rising Ground on the other side "Stow Risland."

The Hythe was extending, and in Edward III.'s time much appears to have been going on in building and improvements at "New Hythe."

The Bailiffs and Corporation appear to have dealt with the Waste Lands and Common grounds exactly in the same way as Lords of a Manor—the grants are all made in Court and seisin delivered "by the rod" on payment of a fine, and rents and services reserved. On a change of the holders of these Lands, they were surrendered "into the hands of the Bailiffs to the use" of the purchaser. After Henry VIII.'s time no Grants by the Corporation are noted on the Rolls.

In the earliest Rolls the Presentments of the Leet are recorded three times in the year, after Michaelmas, after Hilary, and after Hokeday. Subsequently they were recorded on the first two or three Rolls, but in Elizabeth's time they were kept in the two or three last Rolls of the year, and have in consequence, in many instances, been lost.



The value of these Presentments, as illustrating the History of the Town, the manners of the times, and a variety of subjects of local and general interest, is very great.

With such a mass of entries it would require a considerable time, much local knowledge, and a good deal of perseverance, to select, extract, and arrange those of interest, but it could be done and would repay the trouble.

My extracts are selected very much at random, still I think they will bear out my assertion.

“They say” (the Leet Jury) “that Robert called Brown Robyn drew blood of Peter Smith;” fined, &c. 4 and 5 Edward II.

“Hugh de Stowe raised two stulps (or ‘posts,’ see page 7) under his vine opposite his tenement ‘in chero’ in the Chair or Scherd.” Ditto.

“Edward atte Pette dug gravel outside East Gate to the damage of the Stone Wall of the Town.”

“Adam Plantyng detained 18<sup>d</sup>. rent of a certain Croft of Land called Mabils Pyghtle pertaining to the Community, and had done so for fifteen years past. Ordered to be distrained.”

(The Rolls of 18 and 19 Henry VIII. record a Conveyance which describes the position of Mabills Pightle, which was next Drury’s Field, in St. Mary’s Parish, and for that reason Morant coolly took those Rolls from the Borough Record Room and deposited them in the Church Chest of St. Mary’s, whence they were taken in 1821 and restored to the Corporation.)

The Jury presented that John, son of Gerald the Chanter, and Simon le Quilter, in the night of St. John the Evangelist’s day last, entered the enclosed Court of the Prison of the Community beyond the Walls where prisoners were detained against the Peace, &c. (I can find no notice of this Prison in Morant or elsewhere.)

“John Parsonn stopped up a Lane leading from Colchester to *Colebaynes* land; fined 6<sup>d</sup>.”

“John Unwin has no free tenement therefore he has no right to common on the Common Pasture.”

“They say the Arable Land of Nicholas le Gros beyond the river to the North is common pasture from the Gules of August to the feast of the Purification unless sown—and has been so time out of mind—in the time of Robert le Gros his grandfather and of Simon his father. And now the said Nicholas has inclosed and separated it and sold the same to Walter de Elmedowe, and the Commonalty are not able to common on it as they were wont. Therefore Nicholas in mercy and the land seised, &c.”

“John Parson inclosed a Croft next Colbaynes land in which Commoners were wont to common in open time. Amerced and ordered to open it.”

“They ‘conceded and ordained’ that all measures whatsoever, gallons, pottles and quarts, bushels, half-bushels, and all other smaller measures with which any merchandise is sold, or toll taken, should be sealed with the Common Seal. The like as to other weights and measures. Two men of every ward to be sworn to superintend same.”



They present that all the Vintners broke the Assize selling with measures not sealed, namely, “Choppes.” 5th Edward II.

The Brethren of Magdalen dug a Pond *next the Gallows* by which the King’s way is injured ; fined 4<sup>d</sup>.

Hue and cry raised by a man on “rope Monday.” 5th Edward II.

Henry Oskyn, Butcher, killed a Bull 40<sup>d</sup>. before he had been baited with dogs at the place ordained at the Berestake, and sold the flesh of the said Bull, although it is ordered by the Community that, &c., unless, &c. (Ten other Butchers fined—two 12<sup>d</sup>. each the rest 6<sup>d</sup>. for the like.)

John King for building a house on the wall near the South Gate—amerced. 3rd and 4th Edward III.

William atte Pette for digging sand in the King’s Way by the Castle Ditch—near S<sup>t</sup>. Helen’s Chapel. 10th and 11th Edward III.

They present that John Taverner Chaplain holds a *garden* called the Balkerne, in which he is wont to stop the water course coming from Chyldewell. 41 Edward III., Roll 12.

In this case the Gate cannot be referred to, but the Land about it.

In the 15th Richard II. the Hilary Leet presented—

“Geoffrey Abbot of S<sup>t</sup>. John’s, Celchester, for that he with twelve horsemen armed with hanbergions and bows and arrows and other arms rode from the Abbey on the Saturday after the feast of S<sup>t</sup>. Laurence to the Balkerne Fields opposite Colkyngs Castle, to the terror of the people and to the disturbance of the Public Peace, and so forth.”

We have here, again, the Gate called Colkyngs Castle, and the Fields the Balkerne Fields (query whether the name did not pertain to the fields, and had nothing at all to do with the Gate ?)

Then follows what appears to be a rough attempt to settle a legal question by force.

“William Flete, Clerk, and John Olyver, Clerk, of the Parish of Saint Giles, on the Saturday in the feast of S<sup>t</sup>. Martin in the same year, entered the window of the Hall of the Hospital of S<sup>t</sup>. Mary Magdalen and broke the lock of the Hall Door and broke into and entered said Hall and also broke the door of a Chamber there, in which William Ponde, one of the Brethren, lay, and also broke a chest in the Hall and divers muniments then being in the same chest took and carried away.”

For this they were amerced 13<sup>s</sup>. 4<sup>d</sup>. But this was not all.

They say that Flete and Olyver, together with John Cappe, John Thrillowe, John Rode, Fuller, William de Gaunt, John Pavy, Alan Somnour and William Somnour on the following day entered the same Hospital again, and Barley, Oats, and Peas being in the same Hall to the value of fifteen shillings took out of the possession of John Newlond the Prior—and John Jolyff, Thresher, his servant drove out of the same Hall—and for this Sunday’s work they were amerced 18<sup>s</sup>. 4<sup>d</sup>.

But what follows is worse than all.

They say that on the following day—the Monday—with the advice and assent of Robert Boloigne they conspired together and made two false acquittances under the hand of the said Prior Newlond to

exclude him from his action of trespass—which were therein stated to be made by him at Ardleigh on the 14<sup>th</sup> November, where the same Prior had not been for seven years.

For this 13s. 4d. was thought sufficient fine, and then we lose sight of the matter altogether.

The right of the Burgesses to hunt the Hare, the Polecat, and the Fox, was a source of great pride and vanity among them in the middle ages. And so here we find an instance of their indignation when attacked on their weak side.

The Leet in the 19<sup>th</sup> year of Richard II. present that Richard Chamberlain and John Langland in the night of Thursday before Michaelmas, about the middle of the night, came to the Pillory at Colchester with force and arms, &c., and a certain Fox there tied up which John Haux took at the Bounds at Fingringho and thereupon fastened on the aforesaid Pillory *to the honour of the Town of Colchester* by force and arms took and carried away *in contempt of the whole town of Colchester*.

I thought I must have mistaken the purport of the above entry, Fingringho being so far from the present Boundary, but, a day or two after, I met with a case in the 15 and 16 Richard II. where East Donyland is expressly stated to have been, at that time, within the Borough Liberty. (Roll 5.)

The Assize of Bread was, at times, so strictly enforced that the unfortunate Bakers frequently endeavoured to make a stand against it. Here is a notice of one of their attempts.

19th and 20th Richard II. (Roll 15.) The Bakers.

The Leet say that William Knight, John Marre, John Masoun, John Neylond, Rob<sup>t</sup>. Baker, Henry Baker, William Sampson, Richard Couper, Andrew Donill, John Mille, John Brithe, and John Elys, Bakers, on the Monday after the Conversion of S<sup>t</sup>. Paul, in the year 19, in the Tavern of Thomas Clerk, secretly conspired among themselves, amongst the Casks of Wine, out of the greatest malice against the Bailiffs who compelled them to bake bread for common use according to the Statute. They with one consent made a resolve that none of them would bake any bread, so that there should be a general famine among the Commons of the town. Also they present that William Sampson, Andrew Boulton, Robert Bakere, Richard Coupere, John Masoun, and John Brithe sent bread into the Country by their servants with Panniers on horses. And that from these doings there is a great deficiency of Bread within the liberties, and has so continued throughout the year.

Something about the Commons in 19 and 20 Richard II.

Robert Gordon commons the Common Pasture at Burgh Fields with stock of the Manor of Lexden which he rents.

Walter Vasour, of Elmstede, commons the Common Pasture at Dycheecrouch with 50 sheep.

Several matters worth noting will be found in the following presentments of the Hockday Leet, 2nd and 3rd Henry IV.

Item they present the Abbot of S<sup>t</sup>. John for holding an uncleansed ditch at *Stow Rysland*, next the Gallows of Colchester, 30 perches long, whereby the King's way is submerged and injured to the great damage, &c. Amerced 2 shillings.

Also for not cleaning a ditch extending from the Gravel Pit to an Oak standing next the house of Richard Payne opposite same Gallows, 22 perches long, to the great damage, &c. Amerced 12<sup>d</sup>.

Like presentments were made at the two other Leet Courts that year in almost similar terms, varied, however, just sufficiently for us to identify the site of the Gallows, and to say where Stow Risland (a name now quite lost) was.

The Leet say that the same Abbot holds an uncleansed ditch at Stow Risland next Herrymorislane 20 perches long, &c. 12<sup>d</sup>.

And another at Stow Risland next the Gravel Pit, 30 perches long, where the way is under water, &c. 12<sup>d</sup>.

And another extending from the Gravel Pet next the Galewys towards the Oak standing next the house of Richard Payne 22 perches long. 12<sup>d</sup>.

They present that the Tenants of the Meadow called Fraunceysmoor keep a ditch uncleansed lying in Grenstede towards the King's way, extending towards an Oak called the King's Oak. 12<sup>d</sup>.

Subsequent presentments bring the Chapel of St. Anne, the King's Oak, the Gallows, and Fraunceysmoor, into close proximity, and by their aid, and the help of Corporate Grants, we are able to fix the site of the Gallows at the point of Land at the end of East Street, where the road divides—one branch going to Wivenhoe, the other to Ardeleigh. Land belonging to St. Anne's Chapel adjoined Gallows Field, and a Barn in East Street, is called Gallows Barn.

The King's Oak is frequently mentioned about this time. I shall have occasion to notice another ancient Oak when I come to the Books of Examinations and the Chamberlain's Accounts.

From the presentments 8th Henry IV. an extract shows the jealousy of the interference of the Courts Christian with the Burgh.

They present that David Somenour, notwithstanding the Ordinance of the Town that neither he nor any other process server of other places should carry or cite men or women remaining within the town limits elsewhere, he cited a certain Hawise Huckstere dwelling in the Liberty to Stortford, and extorted from her 16<sup>d</sup>. against &c. fined 6<sup>s</sup>. 8<sup>d</sup>.

Thomas Somenour, for citing Isabella Kempstere and William Capper to Chelmsford. 6<sup>d</sup>.

William Cavendish, Commissary, and Thomas his Clerk, for citing to Chelmsford, Stortford and elsewhere. 13<sup>s</sup>. 4<sup>d</sup>.

And for consorting and remaining with the others 3<sup>s</sup>. 4<sup>d</sup>.

In the 4th year of Henry V. we meet with references to old names.

Stephen Bishop, Almoner of St. John's obstructed a way leading to *Holfield*.

Roger Best, the Abbot, appropriated a piece of Land in Lodderslane,\* another piece next Northsherde, another in the Burgh Field and also in Tye Field, and he had foul ditches at the King's

\* Now "Abbeygate Street."



Oak at Munk Wick and turned a water course leading from "Charite Field" by the Chapel of St. Anne towards the King's Oak.

He also appropriated a certain parcel of land of the King's way *on which he built a stone Tower for defence of the Abbey.*

In another presentment it is stated to be opposite the house of John Sumpter.

I presume this is the Great Gate of the Abbey, which would fix the date of its building about 1412 to 1416.

At the same time John Hawote was presented for taking fesiants and pardiees with nets and other "engines." John Kebbell likewise, and he also kept dogs to kill hares, &c.

In the 7th and 8th Henry V. we have reference to the old standing dispute about commoning.

John Goode was presented for holding, sustaining, and keeping a certain field at Burne Ponds enclosed with a gate for his separate use, where from ancient times it was wont to be common in commoning time, to the great damage of the Burgesses.

They present the Hermit of the Chapel of St. Anne for having an unclean ditch towards the place of Grenstede.

They present that William Bardolf (who was then Constable of the Castle) unjustly and against the King's peace lay in ambush in the Castle Bailey, and when the Bailiffs and honorable men of the town and their wives walked round it, as *from ancient times they were wont to do*, he seized, shut up and imprisoned them, without precept or warrant.

On the same day he lay in ambush by the common footpath on the East side of the Castle and there assaulted one John Browneswold against the Peace, &c.

They also present him for taking Cattle from the Commons Ways and Pastures, and driving them into the Castle and shutting them up there until the owners paid a fine at his will.

This was, of course, an endeavour to get the Castle precincts clear of the numerous paths and encroachments upon it, but it does not appear to have been successful.

In the Hilary Presentments, 4<sup>th</sup> and 5<sup>th</sup> Henry VI. (Roll 12), Adam Synger, of Ardleigh, was presented for continually digging at le fayr crosse on King's wood heath, making great pits near the King's way. Roger Burgoyne, Butcher, held a ditch uncleansed at Tubbeswick, next the King's way, leading to King's wood heath, and Thomas Pykard held one in Wivenhoe next the Heath of Byche crouche, extending from Whitemoor Lane to Marchaunts Lane.

The references to the Cross where the Fair was held, and the Cross at the Heath of "Bych," must not be confounded—the Bich Cross was one of the Boundary Marks—the Fair Cross, a Market Cross, where tolls were collected, offenders fined, &c. It is astonishing how much ignorance prevails about these matters. Quite



recently, at an Archæological Meeting, a country squire was much commended for preserving an ancient Cross. He had taken it from its old site, where it marked the site of the forgotten market of the place, and he carried it away and put it into his park in a spot where four parishes met, the names of which he inscribed on the base of it. He converted a Market Cross into a Boundary Cross, and the members were congratulated on these being times when such things were not crept about ! or made the starting points for men with peas in their shoes to go to an adjoining abbey !

In the 22nd and 23rd Henry VI. we again find the Leet alive to the doings of the Poachers on their Manor. Robert Cupton was fined for fishing, hunting, and taking “ pbesanes and perdrices ” against the Statute.

Among other defaults, Robert Silby and Henry Stamp, Wardens of the Brethren of the Guild of St. Helen, Colchester, were presented for keeping a bridge decayed, broken, and ruinous at the North Hill, before the granary pertaining to the Guild next St. Peter’s Churchyard.

John Edrych and John Sayer, sometime Chamberlains, for keeping a Bridge beyond the Town Gallows, called the Franchise Bridge, broken, decayed, and ruinous.

The Abbot of S. Osith had an unscoured ditch in Church field at “ le Milend.”

In the 35<sup>th</sup> and 36<sup>th</sup> Henry VI. John Parnell held a foul ditch under Breggeland at the Gallows.

In the 38<sup>th</sup> and 39<sup>th</sup> years John Shemyng made a pit in the King’s Way beyond the Pillory opposite the house of Robert Barker, of Stoke. [This was in the Market place East of St. Runwald’s.]

In the 25<sup>th</sup> and 26<sup>th</sup> Henry VIII. “ We preseat Thurston’s wife for comforting le vacabunds in le cage ” 20<sup>d</sup>.

William Thurston for stopping up a common stream. If it be not amended by next law day, *we shall ring him out of his freedom.*

[A reference to a custom which I find alluded to nowhere else.]

At the end of the Presentments of the 1st and 2nd Edward VI. is the following pitiful appeal, the whole force of which we can hardly appreciate in these days of Gas, Naptha, Paraffin, &c.

Master Baillies we desire you to loke on the Chaundelers that we may have Candle for our money, for we can get non of them for they serve the country, but we can get non.

In 5<sup>th</sup> and 6<sup>th</sup> Elizabeth John Colt the Miller was presented for fishing in the “ Marmaydes Hole ” and selling the fish he caught there. Therefore, &c., 5<sup>s</sup>.

Where was the Mermaid’s Hole ?

But with abundant material, I must, nevertheless, close this part of my Report. My extracts are few and far between ; many of these Presentments are of great interest, although in a great degree local ; but there are notices of manners and customs of wider interest, and I feel assured a careful, well-arranged series of them would be most valuable in a printed form.

The right to prove Wills here was not like that of the Court of Hustings of London, where they proved all Wills and Testaments of real and personal property where the Testator resided in the City. Here they simply acted as a Court of Record of such part of the Testament as disposed of real property within the Burgh—with no other part of the Will or Testament had the Corporation anything to do.

The mode of proceeding is stated in all the earlier entries. The Executors brought the Testament on one of the Law Hundred Days before the Bailiffs to prove it so far as related to the lay fee. An extract is then given as to the disposition of lands or tenements in Colchester, then follows—

“ And on this proclamation was solemnly made in full hundred according to the custom, &c If any one desired to say anything against the Testament in whole or in part why it should not be admitted and enrolled he might come within fifteen days and support his claim on oath in due form and he should be heard. And no one coming to say anything against it therefore adjudged a good and effectual Testament and to be enrolled, &c. And so enrolled, &c.”

Early in Richard II.'s time the whole Will and Testament were recorded, and there was then ingeniously inserted in the form of proof after the call for any one who had “ anything to say against the Testament in whole or in part,” the words or against “ *any legacy or disposition therein contained,*” but the alteration and consequent complete enrolment was soon given up, possibly on the Ecclesiastical authorities protesting against an assumption of their powers.

The Appointments of Officers, noted on the Court Rolls, were at first only those of the Sergeants, afterwards the Constables, but on the Roll of the 2nd year of Henry IV., and on all subsequent first Rolls [where remaining], there is a List of the various Officers of the Corporation, generally followed by the appointment of the three, and afterwards four, Sergeants, and their recognizances. This was continued as long as the Rolls continued to be made up.

The large amount of their recognizances—each £40, and the prominent position given them in the early Rolls, seems strange, for in such of their petitions and extracts as have been preserved, they show, from very early times, a very insubordinate spirit and sad want of education, but I reserve further observation on these for the present.

Whilst the office of Sergeant seems to have been much sought after, the more honorable post of Chamberlain went begging—numerous are the instances of fines paid for leave to back out of the office ; at one time things came to such a state that, in the 1st and 2nd years of Philip and Mary, three persons in succession paid the fine, and a fourth was elected and sworn ; and in the following year the number of refusals was five—five paid the fine rather than have anything to do with it.

The Demises of the Tolls show the fluctuations of Commerce, but some judgment requires to be exercised in taking out the results from the Calendar, as in some years the Tolls and the Cranage at the New Hythe, with the rent of the House, &c., there, are taken together, in other years separately demised. I have noted this where clear.

The Assize of Bread is very irregularly entered. One feature deserves mention. In many of the records the price of wheat at the time is noted—a very useful species of information rarely to be obtained in such an authentic form at the early period here given.

The Admission of Burgesses is a subject very prominent on my Calendar, and necessarily so, because so very prominent on the Rolls. There is not one matter so invariably present as this—none more difficult to deal with. The extreme uncertainty of the amount of the fines, about which there may have been rules, but if there were, they were constantly set at nought, Morant gives a summary, the correctness of which can be readily tested by the Calendar. In Edward II.'s time he gives 6s. 8d. to 8s. 2d. as the *usual* fine in the Calendar; it will be seen that of those on the Rolls, two were at 13s. 4d., three at 10s., one at 8s. 2d., six at 6s. 8d., whilst there was one at 5s., three at 3s. 4d., and three as low as 2s. During Edward III.'s time there was the nearest approach to a uniformity, Morant gives the rate as 10s. and 13s. 4d. The results from my Calendar are a hundred and ninety at 10s., but one as high as £10, one at £2, one at 36s. 8d., one at 24s., and five at 20s., and but one at 13s. 4d. One further test only. Morant gives Richard II.'s time as 26s. 8d. Actual results from the Rolls—two at £5, two at £4, one at £3. 6s. 8d., one at £3, two at 55s. 4d., four at 40s., four at 30s., *sixteen at 26s. 8d.*, TWENTY-NINE AT 23s. 4d., AND EIGHTY-THREE AT 20s. !

In later times it became a custom to admit a free born Burgess for nothing, and an apprentice to a Burgess for 3s. 4d., and many admissions in the time of Elizabeth and after were made in consequence of taking a poor town lad apprentice or providing for the support and education of one.

The Election of Burgesses to Parliament is rarely alluded to. The most curious reference to it is in the 21st and 22nd Henry VIII., where a gentleman turned out “at the command and special desire of the Earl of Oxford,” and the town elected one of his Council, Richard Riche, gentleman, “at his especial request made to the Bailiffs !”

The enrolment of Apprenticeship Indentures, which towards the middle of the first James's reign monopolized so large a space on the Rolls, forms a rather uninteresting portion of the Documents—all are so much alike in their provisions



that nothing but the fact of the fee for enrolment being contingent on their being fully set forth can have caused the continuance of the practice so long. Still from these some curious information may be extracted. Morant notices the Indenture of one of the Rebows in 1617. Peter Rebow apprenticed to James Newell, but, oddly enough, he does not mention the Trade.

One of the earliest cases "a minstrel" had three apprentices in one year.

## IV.—Sessions Rolls.

The earliest existing Sessions Rolls are of the 25th year of Elizabeth. They had been separately kept for some years before, but all earlier ones are now lost.

A few entries relating to Gaol Delivery and Sessions occur on the Court Rolls of Henry VIII. and Edward VI.

The state of confusion in which these Rolls were when I entered upon my task may be judged when I state that there was scarcely an early bundle which had not either some of the Court or other Rolls mixed up in it, or had some parts of it to be brought from other places. A note I took of one Roll, at first sight in good order, regularly rolled and tied up and endorsed, will give an idea of the confusion they were in, *ex uno disce omnes*.

### SESSIONS ROLL, 1705.

Precept to summon a Jury 1681.

Part of a Leet Presentment undated, but still earlier.

Part of a Serjeant's Petition for fines to be allowed in account. 15 Henry VI.

Part of an undated Leet Presentment apparently of Elizabeth's time.

The 8<sup>th</sup> Membrane of the 10<sup>th</sup> year of Henry VI. Court Rolls.

Another of the 6<sup>th</sup> and 7<sup>th</sup> years of Henry V.

The earliest Rolls are made up in a Gaol Delivery Roll, on which the Indictments are filed, and rolled up in it. They have been very irregularly kept; sometimes the sentence on the offender is noted on the margin of the Gaol Delivery Roll, sometimes at the foot of the Indictment, and sometimes it does not appear at all.

On the backs of all the Indictments are the findings of the Grand Jury; the "Billa vera" or the "Ignoramus," from which "ignore" has become a household word.

After the Commonwealth no Gaol Delivery Rolls remain until modern times. The Rolls from 1660 are made up of Apprenticeship Indentures, Certificates of attendance at Church, and of receiving the Sacrament, and the Indictments with the finding of the Grand Jury endorsed, and nothing more.



I have noted in the Repertory the cases where Capital Punishment was inflicted.

In the 40th and 41st Elizabeth three men were hanged for robbery and two for burglary, and in the following year two men for burglary at the Trinity Sessions, and two women and one man for robbery from the person in October. These are the greatest number in one year.

The last recorded on the Rolls were in 1654, when three persons were hanged—one for murder and two for robbery.

The Chamberlains' Accounts refer to still later executions, of which no information can be found on these Rolls.

In the 14th and 15th Charles I. are some half-dozen indictments against a John Davis, sometime of Stratford-le-Bow, saddler, for robberies from the person and other like offences. These are all endorsed "*stat mutus*," he stands mute. On one is added "*Judic de paine fort and dur usq: mort: sedm formâ statut: &c.*" Judgment of "*paine fort and dur until he dies, according to the form of the Statute, &c.*" Another has it in curt English, "he would not plead and was pressed to death." Those who have not read up the old law can have no idea of the refinement of cruelty of this fearful process. Here is a sentence actually carried out, taken from Sir Julius Cæsar's Admiralty Correspondence, 1575 :—

One Henry Smith, accused of piracy, stood mute ; he was ordered back to the Marshalsea, and there to be placed naked (except his breeches) upon the earth upon his back, with a hole in the earth, in which his head was to be laid, and on his body to be placed as much stone and iron as he could sustain, *and more*. And while he lived he was to have the worst bread and water of the prison, not running but stagnant water. And the day he ate he was not to drink, and the day he drank to have no bread, and so to continue till he died.

So I may be excused for hoping poor John Davis's sufferings were not very much prolonged.

Whilst on the subject of executions, I may refer to the fact of my having ascertained the locality of the ancient Gallows of the Town at the end of East Street, as before stated.

Executions must have been discontinued there in Henry VIII.'s time, for in his 21st and 22nd year we incidentally gather from the Court Rolls that a plaint for debt was brought to a sudden close by the death of the defendant (see Calendar, p. 98), a marginal note giving the reason—"discontinued by Defendant's death—Hung in the Market," and the Chamberlains' Accounts of later times have payments for preparing the Gallows, &c., from which it would appear that the place of execution was in the neighbourhood of the Moot Hall.

Although the information these Rolls furnish is extremely limited, yet we now and then get curious glimpses of the manners of the times. Thus

Margaret Holbige, indicted for exercising the "art of fascination," in the 25<sup>th</sup> year of

Elizabeth, as well of men as of animals, caused one Elizabeth Pickas, by her diabolical practices, to waste away.

They did not kill the poor old woman, but they imprisoned her for a year, and put her in the Pillory four times—once in every quarter, on market days. Small mercy had the old witch from the ignorant and superstitious country people gathered there.

In the days of Oliver one unfortunate fellow, who endeavoured to make money of the “Art,” is indicted for a Cheater, receiving monies of people to discover lost or stolen goods, and such like, by a pretended art, which (adds the Roll) he is not able to do. So he was sent to the Pillory.

At the same Sessions, in 1651, a Burglar, on being found guilty, desired the benefit of “the Clargie,” and “read like a Clarke.” He was thereupon burned in the right hand.

At that time education was certainly at a low ebb in Colchester. I have seen an Inquisition within a few years of it signed by fifteen Jurymen, of whom but two wrote their names, and those did so with obvious difficulty.

The Pillory, at one time so frequently in use, was, it appears, in the Market Place, a little East of the Church of St. Runwald.

Of other punishments—the Tumbril and the Cucking or Ducking Stool—I shall have to say a word when I speak of Chamberlains’ Accounts.

## V.—Corporation Accounts.

The Chamberlains’ Accounts, which, for the purposes of evidence, are more important than any other of the Corporate Documents, are in the worst state.

The custom of making them up on Paper and not putting them on Parchment with the Court Rolls, and keeping every year by itself, has led to their being thrown about, torn, and injured, so that scarcely a dozen can be found in a tolerably fair state of preservation.

I have succeeded in getting together a number of them, more or less perfect, from 1599 to 1772.

There are a quantity of Rolls of original Bills paid by the Chamberlains, and charged in their accounts from 1579 to 1834, with many extensive gaps, as from 1629 to 1637, from 1645 to 1662, from 1663 to 1698, and from 1739 to 1777.

As a specimen of the style of Account I take up that of 17 and 18 James I. He charges himself that year with receipts of rents and tolls amounting to £271, the rent of Bay and Say Hall to the Dutchmen added £30 more, and fines for Licences to sell Bays and Says, £60. Fines, Law Hundred and Sessions, £40 more. The rent of the Woolhall £20. Amerciaments in Colne Water figure at £3. 6s. 8d., and there are a few small additions for deodands, fish stalls, profits of St. Denis’s Fair, &c.

The " Discharge " shows his payments. To the Town Preachers £66. 13s. 4d., and the rent of House £10. Free schoolmaster £16. Liveries of Deputy Town Clerk, the Sergeants, Waits, Beadles, Ringers of St. Botolph, Sexton of St. Peter, and *Bottlemaker*, £22. 2s., and Badges for them, £6. 12s. Then follow a number of Payments for Accounts ordered to be paid by the Bailiffs, of which a separate List is given, containing among other items,

				£	s.	d.
Bill for Sugar and Eringo Roots	..	..	..	..	13	8 6
Charges for condemned Prisoners	..	..	..	..	1	0 0
Work about St. Botolph's Bell	..	..	..	..	1	5 0

In running my eye over Miscellaneous receipts I observe that in 6 and 7 Charles I. the Chamberlain received " for a parcel of a Cup called a Beaker," found in a certain Well, " treasure trove," 15s. 8d.

I may add I noticed on the Leet Rolls persons amerced for *concealing* the finding of " treasure trove."

In 44th Elizabeth divers sums were received for Wreck thrown ashore in Colne Water, and for goods waived. In 22nd James I. for goods of a *felo de se* 20s., for two horses strayed 30s.

In 6th Charles II. fines for Common Councilmen coming without their gowns to the Moothall 3s. 4d. 17th Charles I. for an Anchor found in Colne Water 15s.

Among the Payments in 44th Elizabeth repairs *to the Cage* (just outside East Gate), to St. John's College for scholarship of Mrs. Lewes, £7. 22nd James I. *repairing the Cucking Stool*, 12s. 4d. 1632. Building a new Library, £135. 12s. 6d. —this was at Red Row.

A few extracts from the payments of the year 1620.

				£	s.	d.
Messenger for the proclamation of the Parliament	..	..	..		3	4
Paid to Mr. Boxtone for 4 <sup>th</sup> . of Roots given to the Lord Bishop of London his Chanc <sup>r</sup> .	..	..	..	..	16	0
For a Box to put the roots in	..	..	..	..		6
Paid the 16 Januery to a Messenger for two Proclamations—the one for adjourning the Parliament a weke, the other forbiding all persons to speak any thing concerning the Shelt [Scheldt]	..	..	..	..	6	8
Paid the 12 February to a Messenger for a proclamation for the keping of Lent				..	1	6
Paid the 28 <sup>th</sup> February to Mr. Boxtone for 10 <sup>th</sup> . of rotes, and for the boxes to put them uppe in, sent to London to Mr. Browne by the appointment of Mr. Bailiffs	..	..	..	..	2	3 2
Paid 10 <sup>th</sup> March to Messenger for proclamation for apprehending of Sir Giles Mompesson	..	..	..	..	3	4



	£	s.	d.
Paid 17 <sup>th</sup> March to a Messenger for a proclamation against the Lowt <sup>r</sup> (the Lottery) .. .. .		3	4
Same day to the Players—being my Lord Chamblines men .. .. .	1	0	0
Paid 31 <sup>st</sup> March, 1621, a Messenger for the subsidy .. .. .		3	4
1 <sup>st</sup> April to the Players, being the King's Servants .. .. .	2	0	0
Same day to a Messenger for three Proclamations—one for banishing Sir Giles Mompesson, one for Innes and Alehouses, the other for Bills of Conformity..		10	0
Item to M <sup>r</sup> . Kemp for three Books, videlicet a Cooper's Dixonorey ..		14	0
Rides Dixonerey .. .. .		8	6
Nomen Claters .. .. .		3	8
for carredge of them from London .. .. .			6

The Eringo Roots have only recently ceased to be an article of Commerce, the last manufacturer with the secret of their preparation was an elderly maiden lady who supplied Mr. Thomas Smith, Druggist, in High Street, when asked for them. They were considered beneficial in pulmonary diseases. But for many years their renown has ceased—a sad change, when we remember that they were once thought, when properly prepared and packed in Boxes “perfumed and guilt,” fit presents for Princes next in importance to the inevitable Oyster.

Never were the necessity for particular Books more strongly evidenced than in the above entry, the Dictionaries and Nomenclatures are difficult of recognition in the form they appear.

In the 17th and 18th Charles I. a Bill for Sugar Loaves for presents amounted to £11. 6s. 8d., they gave the Keepers for two Venisons £1, for a Prisoner to hang Page 13s. 4d. In 1661 it cost £5. 19s. to change the Parliament Money in the Chamberlain's hands for current coin. In 1681 the Constables received a shilling “when Stickalorum was whipt.”

Before this time the Bottle Maker had become a thing of the past—that functionary, whose liveries and badges had for years figured in the Accounts, had dropped out. What was he? I knew the hospitality of the Town was great, and my surmises ran in the direction of Leather Bottles, but at last my eye fell on the “Oath” of the Bottle Maker in the Book of Ordinances, and there I read that one Thomas Skyunner was sworn 24th December, 4th Elizabeth, to make *et purponendum* [a word the meaning of which can only be guessed, as it is not to be found in any Dictionary ancient or modern] or press together Hay by the bottle [or bundle] within the Burgh, his allowance for the halfpenny bottle was £2 says the entry, meaning, doubtless, exactly the reverse, that he was to have a halfpenny for every £2 bundle. I have never met with this Officer anywhere else, nor can I learn that he is remembered by any other Antiquary to whom I have named him.



In an undated Chamberlain's Account about 1679 are the following items :—

				“ EXTRAORDINARIES.”			£	s.	d.
Inp.	paid	to	y <sup>e</sup> Ringers on y <sup>e</sup> 5 <sup>th</sup> of Nov <sup>r</sup> .	..	..	..	..	5	0
Gaol	Delivery.	It.	p <sup>d</sup> y <sup>e</sup> grand Inquest, being 15 men at y <sup>e</sup> Gaol Delivery	..	..	..	..	1	10 0
It.	p <sup>d</sup> .	one	and thirty Constables	..	..	..	..	15	6
It.	p <sup>d</sup> .	y <sup>e</sup>	executioner and for drink	..	..	..	..	1	0 6
It.	p <sup>d</sup> .	for	making y <sup>e</sup> grave and for charges	..	..	..	..	5	0
It.	for	Shakles	and iron work for y <sup>e</sup> Gaol..	..	..	..	..	1	2 1
It.	paid	John	Newton's Bill concerning y <sup>e</sup> felons	..	..	..	..	8	7 0
It.	p <sup>d</sup> .	John	Streaton's Bill for y <sup>e</sup> gallows, and fitting y <sup>e</sup> Court for y <sup>e</sup> Gaol Delivery	..	..	..	..	7	0 0

* * * *							£	s.	d.
Paid	Miles	Bull	by M <sup>r</sup> . Mayors order	..	..	..	..	8	0
„	Thomas	Wacham	..	..	..	..	..	3	0 0
„	Jer	Talcott	..	..	..	..	..	3	0 0
							} in apprehending those y <sup>t</sup>		
							} robb'd the		
							} Ipswich Coach.		
							£6 8 0		

Among the Charges in 1717-18 is one for a payment to Edward Bartholomew, for doing something to the Broad Oak, the word is “pning,” which may be a contraction for pruning or preserving; the sum paid was half-a-crown.

The Chamberlains' Bills and Vouchers form a large mass of documents, beginning in 1579, and ending in 1834, with many intervals, some of many years as between 1584 and 1602, 1629 and 1637, 1645 and 1663, 1663 and 1698, &c. I add a few curious extracts from those I examined, and I could have formed no conception of the amount of eating and drinking carried on here at the Corporation expense had I not had the ocular proof furnished by these accounts.

1618-19 For a new headed basket for the priseners to gather vitells, xiiij<sup>d</sup>.  
for Rushes for the Lexion day last 8 Bondells, 7<sup>s</sup>. 7<sup>d</sup>.

Aug<sup>t</sup> 19<sup>th</sup>, 1619.

To the Right Worshipfull M<sup>r</sup>. Bailiffs

A Bill of Charges giving yo<sup>r</sup> Worships to understand that upon this last election daye there did receyve dynner at my house twoe hundred and eight persones, *viewed and toled* by the apoyntment of M<sup>r</sup>. Chamberlin, by me, Francis Clayse.

Itm. for making of grafe in Hallyard for beringe the boye wch died in the Mote hall, and bering of him, 18<sup>d</sup>.

Work done to the House of Correction as followeth :—

Imprimis for Colloping the Mill Spindel, and making a new let end, 1<sup>s</sup>. 8<sup>d</sup>.

Itm. for the winch and the extre mending for the Mill with Spiler, 1<sup>o</sup>. 6<sup>d</sup>.

1698.

By order of M<sup>r</sup>. Mayor—going to Ardleigh after highwaymen—

						s.	d.
Paid Benjamin Clamtre	..	..	..	..	..	2	0
„ Thomas Lumia	..	..	..	..	..	2	0
„ Larance Claudis	..	..	..	..	..	2	0
and on shill in drinck	..	..	..	..	..	1	0

for persuen hiewaymen	..	..	..	..	..	7 0
-----------------------	----	----	----	----	----	-----

15 Sept., 98, Mr. Chamberlin Pay this Bill to Ed. Johnson, place it to the Town Account.

Y<sup>r</sup> R<sup>d</sup>. Creffield.

1697.

					s.	d.
		One large Padlock with two locks for the Cage	..	..	2	6
1698.	April 25.	3 Tune of Stones from the Hithe to the Cage	..	..	6	0
1697.	Nov. 5 <sup>th</sup> .	for 2 Tune of Stone from the Castle to the Bridge	..	..	2	0
1698.	Mar. 29.	for a tune and a quarter of stons from the Castle to the Bridge	..		1	0
„	July 6.	A tune and a quarter	„	„	1	0
„	Aug. 20.	the like	„	„	1	0

This shows some extensive demolition at the Castle.

“WORK DONE AT THE MOOT HALL.”

						s.	d.
for Fettering Spencer	..	..	..	..	..	1	6
for Fettering Tho. Willis	..	..	..	..	..	2	6
for Fettering Townsend and Elliott	..	..	..	..	..	2	0

Oct. 16, 1698. rec. the Contents, J. White.

April 30<sup>th</sup>, 1698.

	£	s.	d.
Gilt a Mace for the Town of Colchester wt 89 oz. at 2 <sup>s</sup> . 6 <sup>d</sup> . p. oz. . .	11	2	6
For Burnishing the same . . . . .		10	0
For a new globe with Cross and bottom, fees to the same, wt 10 <sup>oz</sup> . 6 <sup>d</sup> . at 5 <sup>s</sup> . 5 <sup>d</sup> . p. oz., the silver is . . . . .	2	15	0
For the fashion at 2 <sup>s</sup> . 6 <sup>d</sup> . p. oz. . . . .	1	5	0
For putting it in order and soldering the cracks . . . . .	1	0	0
For the case to put it in . . . . .	1	0	0
Given the Waginer to take care of it. . . . .		1	0
	17	13	6

There are several interesting Resolutions about alterations of the Mace, and removing and restoring the King's Arms, in the time of the Commonwealth and after, in the Assembly Books.

The Sergeants' Petitions or Extracts are copies of the Leet Presentments of each year, arranged so that the Sergeant of each Ward was furnished with the fines, &c., he had to collect ; and were called Petitions from their concluding with a prayer to the Bailiffs that he might be allowed to collect them in accordance with the decision of the Leet Inquest, and they generally have the Bailiffs " Allocatur " endorsed. Being duplicates of the Presentments, they are of value, where (as sometimes happens) the original Presentments for the year are lost.

The occasional additions and remarks made by the Sergeants show them to have been, generally, very illiterate men, and complaints are occasionally addressed by them to the Bailiffs, at the foot of these petitions, in very disrespectful terms. The curious Red Book has an entry so early as the 47th Edward III., where they are spoken of as a drinking set, who assumed more power than really belonged to them. But the Burgesses had only themselves to thank for placing more power in the hands of such men than they ought to have had ; their recognizances of £40 each from a very early date, show that they must have had a very great power of oppression and extortion when they had the collection of a multitude of small fines, many as low as 1d., if they amounted to anything like £40 in the year from each of them.

In a deposition in the Assembly Book of 1574, one Robert Yonger makes a long complaint of the treatment he had had from the Sergeants with reference to a prisoner he wanted to give into their charge ; concluding " he sayeth they had rather go to Master Bayliffs or the Aldermen than to the Sergeants, they are *so lordlike and careless to do their Office !*"

Anything like regularity ceases with James I., the only extract after his time being one of the 30th Charles II., showing, however, the same system still kept up.

## VI.—Burgess Rolls.

The Subsidy and Composition Rolls are of some interest. The Subsidy Roll of 1600 gives a List of all the principal Contributors in the Town, as do the Assessments for Subsidy in 1648 and 1672.

The Roll of 1648 is further of interest for having a List of those excused because their houses had been burnt during the Siege, the great majority being on the South side of the Town.

The Solitary Roll of the Masters of the Guild of St. Helen's, shows what they held in the town in the 20th year of Henry VI., subsequently granted to Lord Audeley.

## VII.—Oaths and Declarations.

One other Roll, of some importance, is a modern one, containing the Oaths and Declarations of the Members of the Corporation when it started under the new Charter in 1763.

I must now turn to the Books.

## I.—Assembly Books.

Of these the first division is the Assembly Books, the name of which clearly indicate their purpose.

The first volume commences in 1576, but for three years before that time the minutes are entered in the first volume of the Law Hundred or Monday Court Books—those before that time, if any were regularly kept, have been lost, an occasional Ordinance or Resolution only appearing on the Court Rolls.

All the later volumes have good indices at the beginning or end of the Book, and a notice of all recorded matters is unnecessary here. For preparing a good History of the Town a careful perusal of these Books is absolutely necessary.

## II.—Court Books.

The Law Hundred and Foreign Court Books are, in fact, the Original Minute Books from which the Court Rolls were made up; most of the very early ones have been lost or destroyed. I found a number of the leaves of the Books of Henry VII.'s time, which, as the Rolls are lost, I have placed in a separate case.

## III.—Sessions Books.

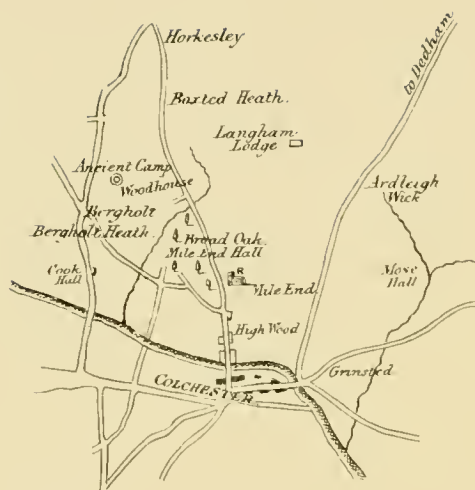
The Sessions Books comprise the Books of examination and recognizances, which contain a quantity of interesting matter.

There are a few loose sheets as early as Edward IV.'s reign, and a few of Henry VIII., but the series begins in 1561, and goes down, with some few gaps, to 1687, after that time the depositions were kept loose, and are, consequently, mostly lost. The Sessions Minutes begin in 1599, and continue regularly down to 1826, but contain little else than formal entries of Appeals against orders of removal, Bastardy recognizances, and other details of business.

Some of the Books of Examinations and Recognizances have been also used as Books of Entries of Proclamations, Privy Council Letters, and other memoranda of importance, as have also some of the early Monday and Thursday Court Books, but I will say more of these when I speak of the Books of Entries.







*From* BOWEN'S MAP — *Circa* 1760.

A large proportion of the Depositions in these Books relate to questions of doubtful paternity, but there are numerous examinations in cases of murder, burglary, robbery, &c., full of illustration of manners and customs.

The recognizances contain some details of interest, as the recognizances of the Butchers in the reign of Elizabeth against killing meat in Lent, the Oyster Dredgers' recognizances, &c.

I have not been able to go carefully through these books, but will give an instance of their interest. It relates to the Milend Broad Oak.


In an examination of 1646 one John Peirson, apprehended for robbing his master, one John Shunie, of St. Mary's parish, said that—

He went on the 26<sup>th</sup> of April to Milend, and coming home from thence to the said Shunie's house did meete with the said Shunie on this side Mileende broad oake.

Again in 1679, in the examination of John Pledger, late of Cambridge, 16th October, 1679 :

He sayth y<sup>t</sup> he lay last night at y<sup>e</sup> Angell in Lexden, and went not thence till the sun was an houre high this morning, and was travelling towards Harwich in order to transporting himself, being heretofore condemned for stealing a horse and pardoned upon condicion y<sup>t</sup> he left y<sup>e</sup> Kingdom w<sup>th</sup>in six months from the 7<sup>th</sup> day of August last, and further sayth that travelling this morning neere the broade Oake in Mileende w<sup>th</sup>in this town he found in the road a payr of baggs, and in it a silver tobacco box with 8 guynees bound in black silk, and 5 gold rings, a silver spone, and other broken plate, and a payr of silver buckles and a silver tooth pick.

John Pledger,

his  mark.

In the Chamberlain's Accounts, as I before noticed, is a payment to one Bartholomew with reference to the Broad Oak, in 1717-18.

In Bowen's Map of Essex, published about 1760, and Morant's Lexden Hundred Map, 1768, are the last notices I have of the Broad Oak ; its site is indicated in Bowen's Map as a little beyond Mile End Hall. Nothing is now known about it.

In Savernake Forest, at the present time, are two ancient Oaks of gigantic size, called the King Oak and the Braden Oak.

The King Oak is now tottering to its fall, one huge limb, bigger than most oaks, was blown off a year or two ago, and the two remaining branches are almost leafless and decaying ; within its hollow trunk many a small party have found shelter from the storm. The Braden Oak, notwithstanding its great stature and its great age, for it has a genuine Saxon name, is still vigorous, and spreads its branches over an enormous space of ground, is still the Broad Oak.

Here in the Old Kingswood Forest were two noted oaks with the same names, the

Leet presentments showed a King's Oak at Greenstead, at the end of East Street, which disappears in Henry VI.'s time. Of the other I have given all the particulars I can gather, above. Numerous other Oaks remained after the disafforesting of King's Wood; besides the King Oak and the Broad Oak, the Leet Rolls mention Great Oaks in East Street near the Gallows; and in the Perambulation of 1637 (in the Assembly Book for that year, and printed by Morant, p. 95), we have Robin Hood's Oak "right against Thomas a Bridge, on the left hand of Buttolph's Brook, after crossing the river at Mott's Bridge;" and in the Perambulation of 1671 it is added that the Oak stood "right on the pitch of the Hill," and afterwards in the latter Perambulation the Boundary is stated as going "inside the hedge of Soame Wood to Goresbridge, which is at the bottom of 'Beggars Oak' Heath, leading to Ardley Street from Gallow Green."

Pledger's examination is curious as illustrating another subject, that of transportation. In 1679 we did not trouble ourselves where our criminals went, provided they took themselves out of the Country. There does not seem to have been much care taken to ensure that they did even that, for if Pledger had not been caught in a burglary red handed, he might have wandered about pilfering right and left with impunity. He professes to be travelling to the nearest port, which he was to reach in six months' from his conviction; he was to travel by the directest highway and by day. Certainly, if he had been convicted at Cambridge, the Angel at Lexden and the Crown at Milend scarcely seem to be in the direct road to Harwich. Be that as it may, it was the direct road to a great misfortune to him—finding saddlebags and golden guineas and broken plate. Of course he felt it his duty to possess himself of them, and to endeavour to trace the real owner.

Other depositions place matters in a totally different light. Sir John Shaw's house at Colchester had been broken into the night before, and hue and cry immediately raised, the country round scoured, and Pledger and another man caught in hiding at the Inn at Milend—Pledger with the things he mentions, and a number of others he does not mention, thrust under the bed into which he had got—broken silver candlesticks, &c.

I had noted also an account given of himself by another Horsestealer and Highwayman, which might have furnished De Foe with a plot.

Almost every Corporation in the Kingdom had a number of Books of Entries in which important local events, Pleas affecting their Liberties, Oaths, Ordinances, Constitutions, Charters, Laws, Customs, and a number of miscellaneous matters were entered for the convenience of reference,—White Books, Black Books, Red Books, and Golden Books.

The principal Books of Entries at Colchester were the Red Parchment Book and the Red Paper Book, both commenced about the same time—the end of Edward



III.'s time, and the beginning of that of Richard II. ; in some cases these Books were considered supplementary to the Court Rolls, as in the following instance :—

5<sup>th</sup> Henry IV. Roll 27 dorse.

The same day the Bailiffs and Community conceded and demised to Roger Spendlove a certain void place of land, as more fully appears in length and breadth in the *Red Parchment Book*.

The entry is found in the Book now called the Oath Book, p. 81, which, from this and other references, I am able to identify as the Red Parchment Book.

An epitome of the contents of this Book appears in the Repertory, p. 53. The largest portion of it is devoted to notes of Burgesses' admissions and Corporate Grants and demises from the Court Rolls, from the 1st Edward III. to the 5th of Elizabeth, and another large portion is occupied by the various forms of Oath administered from an early period to modern times to every variety of Corporate Officer.

There is a valuable Custom Roll of ancient date, a curious specimen of the mother tongue,—the Bounds of the Liberties stated to be from Court Rolls (long ago lost) of the 6th Edward I. There are the Constitutions of Richard II. and Henry IV. printed by Strutt, and the Articles of the Law Hundred Leet Inquest in Latin and as unreadable English. In it, too, is the original of the so-called "Colechester Chronicle," printed in Cromwell's History—a curious mixture of fact and fiction, but from which it appears that the copy printed by Cromwell was a very incorrect one.

I had marked the Orders concerning the Plague of 1665, and the Oaths of the Searchers and Bearers for extract, as well as several other scattered notices, but I have been unable to fulfil my intentions.

The still more curious Volume—the Red Paper Book—I had given up for lost. I had noticed references to it, and had several times had it in my hands without identifying it. At last, on looking carefully into a volume in oaken boards, nearly half destroyed by damp and decay, I came to the conclusion I must have found the Red Paper Book, a conclusion I was soon able to establish indubitably by a reference to the Court Rolls and the Red Parchment Book.

In the latter, in the notes of the 35th and 36th Edward III., it is noticed that there was a Perambulation in that year, "as testified in the Red Paper Book, fo. 45." And in the 47th year another, likewise attested by the same Book, fo. 7. (Oath Book, fo. 33.)

In the Parchment Index to the Red Paper Book we read, "p. xliij Perambulacio Banlieuē Coler," and this doubtless extended to the 45th page, but those pages are lost.

At page 7, which still exists, there is a statement to the effect that Perambulation of the Liberty was made in the time of Reyne and Clerk, Bailiffs, in the 47th and 48th Edward III.

In so bad a condition was this Book that to save what remained I was obliged to remove it from the oaken covers and place it leaf by leaf in a guarded book in a wooden case, labelled "Red Paper Book."

Why it was so called I cannot tell, unless the cover was originally Red Leather—the little remaining of it was a deep brown.

The paper is very thick and woolly, and difficult to write on. The Paper Mark consists of a long perpendicular line, crossed at each extremity by two short lines, forming a star at top and bottom, between two small circles. The same mark occurs on the paper of a Household Book of some person of distinction living at the close of Edward III.'s reign, No. 16 of Mr. Hunter's "Specimens of Watermarks used by the Early Manufacturers." "Archæologia," vol. 37, pp. 451-2.

The Repertory has, at p. 59, a table of its contents. I will now notice a few of the more important.

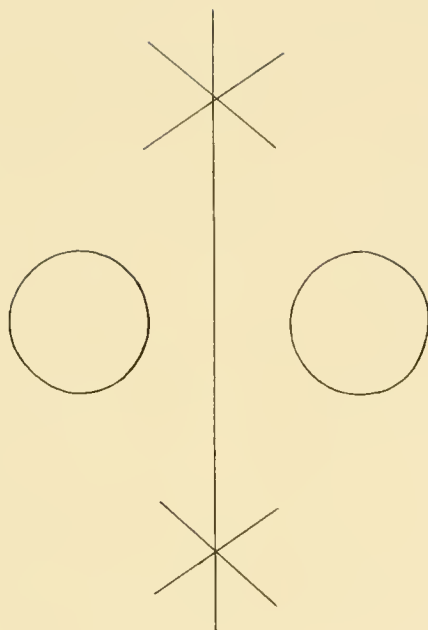
The first entry which gives any clue to the date is a form of Oath for the Bailiffs, in which they swear allegiance to "King Richard," but most of the entries on the first eight or ten leaves relate to matters occurring in the last years of Edward III.

The first and third paragraphs relate to the building of a Barge for the King, which had been ordered to be done by Ipswich and Colchester jointly ; both seem to have pestered the King to so good a purpose that for their easement Hadleigh was joined with them in bearing the cost of the construction.

Whoever the writer may have been he had a great admiration for one man—and one can only be thankful he did not take on himself the task of recording his whole life instead of a single year of it—there is hardly a guess to be formed of what the length of it might have been. His hero was one William Reyne, who makes his appearance in the third page, in a Notice that on the Monday after the Nativity of the Virgin, in the 47th year of Edward III., Alexander Cogger and William Cristemasse, then Bailiffs sitting in the Common Hall as the manner is, by their Ordinances read and published and explained in the mother tongue to the Community, elected with the consent of the Community, twenty-four men of them, not suspect but circumspect, who being sworn, elected William Reyne and John Clerk Bailiffs for the year ensuing, of whose acts nothing here said because their deeds follow—the end prove the acts—*exitus acta probat*.

So absorbed was he in William Reyne that he forgot Clerk entirely, and had to put his name in afterwards.

On the next page begins the record of the acts. They elected Augustine Plomer farmer of the Town Tolls for the year, for which the usual rent had been £35, but he must do more—so William Reyne, "as well by his *most cautious manner and by honied words*," persuaded Plomer not only to pay £35 but to undertake the repair of the Moot Hall before the end of the year, which, it is exultingly added, made full a hundred shillings addition to his rent.



PAPER MARK.  
RED PAPER BOOK.

ABOUT 1510





Nor was this all. John Godard was elected Measurer at New Hythe. The Measurer had before paid nothing, now, however, Reyne again steps forth, and, as well by his *most honied words* as by some other means not stated, he got Godard to agree to pay 50s. a year for his office and to find pledges.

Again—the Market for Wool had been held in the open Street and in the Gateway of one Thomas Deynes, in S<sup>t</sup>. Runwald's, “to the singular profit of Deynes,” without the licence of the Bailiffs or profit to the Town, therefore Reyne spied out the Hall Cellar, and by divers alterations, repairs, and whitewashings, contrived to make a Woolhall, which he hired of the Corporation for 50s. a year, but on letting it for £4 gave the town the benefit of the increased rent.

None of the “acts” escape. The steps into the Hall, worn by the feet of the town and country folk gathering there, get dangerous, new stone steps are placed not only in the south entrance, but also on the north side, re-placing mingled stone and brick by the procurement of Reyne and Clerk, and by the hands of William Masoun, so that the whole Community of the Town, as well as the country round, and all passing over them from day to day, are rejoiced to behold the sight. (I am actually translating verbatim !) And he warns future Bailiffs to take a lesson from Reyne and Clerk.

Further—they leased some void ground by the Castle Ditch—profitless before—for a small annual rent ; and one Geoffrey Dawe, a Merchant, having for some time made use of a piece of vacant ground near the New Hythe to deposit his merchandise, is compelled to pay rent for the future.

Then Reyne arranged that a Wool Fair, which had theretofore been held at the West end of St. Runwald's Church, should be held thereafter in the Hall and Garden, and the adjacent Market Stalls extending to Cornhill ; by which the town, for the future, would make a profit.

But we have not yet done with William Reyne. The Shops with Sollars built over them, with the sumptuous Porch, and a certain Vault overhanging the entrance to the Common Hall, are constructed and ornamented by the diligent circumspection of Reyne and Clerk, and *principally of Reyne*, by the hands of William Bentley, of Colchester, Carpenter ; and, of course, all passers by stop in wonderment how a void place can have been put to so useful and ornamental a purpose. Such is the effect of a dozen lines of eulogy.

The next page begins with a flourish about the Moot Hall ; it was held in great veneration by the people ; it was the place where the more necessary Muniments of the Community were kept ; where Justice was so administered to all that it might be called the dwelling-place of equity and honour ! And as the head is to the body so the Hall is the head and honour of the whole town. Here, further, Reyne and Clerk were not idle ; they added the handsome triple seat, and the other seats in the Hall. And bearing in mind the health of souls and the preservation of

life, and the commands of the Lord to visit the prisoners, and a great deal more concerning the deep misery of the unfortunate people in prison, they, Reyne and Clerk, caused two posts to be erected having iron spikes, and being bound round with lead, on either side the entry into the Hall, and there, fastened with "stout" iron chains, the prisoners were placed, so that standing, sitting, lying, and resting, they might seek their necessaries from the passers by !

The next entry states that on the Monday after the Nativity of the Virgin, John Sextayn and John Curteys were elected Bailiffs for the ensuing year. The same hand continued the record for some pages, but all praise has been exhausted in the record of Reyne. Nothing comes from him but the bare statement of facts—his hero was gone, and the voice of eulogy is dumb. Reyne certainly had been most active and valuable, and a simple record of his services would have been grateful to our feelings, but when we are told the whole country went into fits because he put in stone steps for brick, ridicule is brought on both parties.

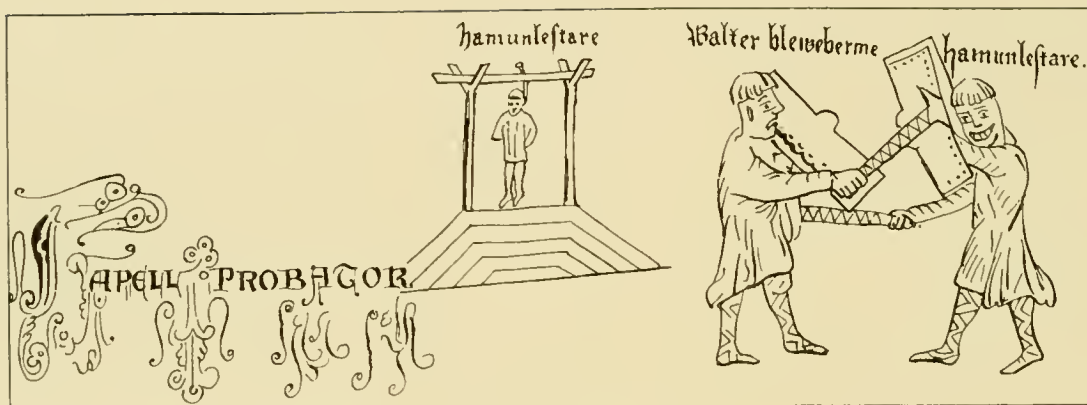
He has, however, favoured us with one curious piece of information, the notice of a trial by battle. I give a close translation of the entry.

"The Monday next after the feast of St. James the Apostle, in the 49<sup>th</sup> year of King Edward III., Sir John Cavendish, Knight, and his associates, by the King's Commission sat to make delivery of the Castle, before whom was led a certain prisoner, John Huberd by name, of Halstede, who accused John Bokenham, the elder, of Stanstede, of divers robberies and homicides by them jointly committed. Which same John Bokenham was immediately led before the said Justices, and upon the accusation of the said John Huberd, interrogated. The said John Bokenham denied it, and said that he was not guilty, and thereupon waged duel with the aforesaid John Huberd. And the said John Huberd did the like. And it is considered by the said Justices that duel should be joined—namely, on the morrow. And the Sheriff of Essex is ordered that he should prepare clothing and arms, as accustomed in England, the said day, and safely keep the bodies of the said John and John, so that he had their bodies before the said Justices on that day on the north side of the said Castle to fight the same. On which day and place they were led before the Justices clothed in leather coats, with staves piked with horn, and targets in their hands, and licence being given by the Justices, and silence proclaimed, as the manner is, they commenced the terrible fight. At length the approver overcame the accused, saying 'eriant, eriant,' so that he acknowledged himself guilty, and he was thereupon hung, and the approver led again into the said Castle."

With the purpose of ascertaining whether any other notice existed of this duel, I have looked to the Gaol Delivery Rolls in the Record Office, but the Essex Roll for the year is lost. On the Pipe Roll, however, the Sheriff claims allowance of 36s. 3d. for arming duel between John Huberd, approver, and *Walter* Bokenham, defendant. Here is a small error in the Christian name of the defendant in one or other record, now impossible to put right.

The rarity of notices of these judicial duels, notwithstanding the fulness of the directions laid down in the Old Law Books, has almost raised a doubt if they







ever occurred in England ; now and then a case turns up like this in unexpected places.

Selden, in his " Treatise De Duello," says the records of them are so very rare that, if he forgets not, the least plural number doubled comprehends as many as are reported with ensuing performance.

The earliest recorded has the advantage of being illustrated. It was in the reign of Henry III., and is thus stated by Madox, in his " History of the Exchequer," vol. I., p. 551 :—

Walter le Blowberme accused Hamon le Stare of Robbery, alleging they were together at Winchester and there stole clothes and other goods, whereof Hamon had for his share two coats—to wit, one of Irish Cloth and the other a party Coat of Cloth, of Abendon and Burell, of London, and that he, the said Walter, was in fellowship with him in the robbery, and he offereth to prove by his body as the Court should award. Hamon came and denied the whole, and saith that he will defend himself by his body. Whereupon it is awarded that there should be a duel between them. A Duel was struck, and Hamon being vanquished in the combat, was adjudged to be hanged. No Chattels.

The figure of the Duel is drawn at the top of the Membrane. On the right of the picture the Combatants, whose names appear over the head of each, are in the midst of the conflict. Each has a square shield with a circular boss, and a staff with a hammer-like head. Le Stare has just received a crushing blow on the head, he vainly endeavours to parry with his shield. In the centre is a distant view of the gallows, with Le Stare suspended upon them, his name above.

Perhaps the most memorable from the circumstances of the fight was that between the Armourer and his man, who accused him of divers crimes in the 24th of Henry VI. It came off in Smithfield, and so fearful were the Armourer's friends that his courage should fail him that they plied him so much with drink before he entered the lists that when he did he was instantly overcome.

The case of Low and Paramore, in 1571, the last in which the lists were prepared, did not actually come off.

Nailor, the Plaintiff's Champion, went through London about seven in the morning, apparelled in a doublet and galey gascoigne breeches, all of crimson satin, cut and rayed, a hat of black velvet with a feather, and a band before him, drums and fifes playing. The gauntlet that was cast down by Thorn, Defendant's Champion, was borne before him on a sword's point, and his baton, a staff of an ell long, "*made taper wise tipt with horne*" with his shield of hard leather, was borne after him by a " Yeoman of the Queen's Guard."

They were certainly not so uncommon as Selden imagined ; many records have turned up since his day. I met with another instance recently in the Sacrist's Register of Bury St. Edmund's. It is only incidentally referred to, indeed would

never have been recorded at all but for its having led to disputes between the Sacrist and the Cellarer about Jurisdiction.

There was a free tenant of the Cellarer, Ketel by name, dwelling out of the East Gate of Bury, accused of theft, conquered in Duel and hung. Whereupon the Townsmen and the Abbey, and the Sacrist and Cellarer, got into a great dispute, which took much time and trouble to adjust.

The shout of the conqueror over his victim, "criaunt, criaunt," is difficult to translate. In an old tract, printed by Spelman in his Glossary, the marginal note to the approver's oath bids him, By all the ways that thou best may or kanst, "creant" to cry or speak ; and on the Great Roll of the Pipe are many fines for "recreancy," where the conquered had, for some cause, escaped "suspension."

In none of the early records I have met with, except that in the Red Paper Book, is it said how the combatants were clad. Altogether the arrangement seems to be in strict accordance to the directions in "Britton" and the other old Lawyers.

At page 49 occurs an early Specimen of English, the form used by the Coroner in taking the abjuration of a Felon who had sought Sanctuary ; it is probably of Richard II.'s time, and is almost all of it a translation of the Oath in the Early Statutes, the only important difference being in the description of the felon in the first four lines. Instead of "I am a felon and feloniously have robbed or slain" (after his Confession), the Statutory Oath has "am a robber of Sheep, or any other beast, or a Murderer of one or more, and because I have done many such evils or robberies in this Land, I abjure the Land of Lord Edward, King of, &c."

#### ABJURATIO FELONUM.

This ze her Ser Corener of our Lord ye Kyng, y<sup>t</sup> I. N. S. de B., in ye Schyr of E., am a Feloun, and feloun leche hath robbyd or slayn aft his Confession hay been to y<sup>e</sup> Coroner a forn. Wher for I forswer ye Kyngs lond of Inggelond, and I schall haste me to ye Poort I am assygned to wheche ye have zere me, and I schal nat go owt of y<sup>e</sup> hyghweye, and yf I do I wele y<sup>t</sup> I be taken azen as a feloun of our Lord ye Kyng, and to ye same place I schal dylygentleche take my wey, and y<sup>t</sup> I schal nat a byde yere but a ebbe and a flood yf I may have my passage in so schort a tyme, I schal go ev'y day yn to see up to my Kneys assayng for to pass. And yf yt be so I may nat have passage withynne ye tyme of xl daiys, I schal zeelde me azen to Cherehe, so help me god and holy doom.

With a lay and ecclesiastical Corporation in a town, no great time could ever elapse without a quarrel about Jurisdiction. The Abbey of St. John's seems to have been peculiarly offensive to the Town, and disputes were of constant recurrence, ending in petitions, suits, pleas, and legal fighting, and sometimes in fighting of another kind.

One of the numerous subjects of dispute was as to the right of the Town Coroner to exercise his Office in the Abbey Lands, and some of these disputes are recorded at pp. 53 and 54. I take one of these entries—

It happened that a certain contention arose between the men of the Abbey and the men of the Town on St. John's Green, on St. John the Baptist's Day, in the 56<sup>th</sup> year (of Henry III.) after the ninth hour, and that the former assaulted, wounded, and maltreated the latter, and robbed them of their goods and chattels in the fair. And on the morrow after the said felony and robbery took counsel among themselves to confound the Townsmen, and Richard Banyard, by the direction of the Monks, but with malice aforethought, went to the house of H. de Codenham, Coroner of the County of Essex, and told him that a certain man was dead on St. John's Green, slain by the townsmen, and prayed him that he would come and view the dead body. And on this petition, and against the liberties of the town, the s<sup>d</sup> H. came on the said Green, and they of the Abbey showed him a certain man dead and stinking, on the Wednesday after, about the 9<sup>th</sup> hour, and hastened to bury him without making inquisition, and no neighbour of the town had view of him, and forthwith hue and cry was raised through the whole town. The Bailiffs and Coroner hearing this on the morrow, namely, on the Thursday, went upon St. John's Green, and caused enquiry to be made about the dead man by next neighbours, namely, by Adam Touteproud, William le Schoder, Richard, son of Roger, and Robert le Bret, and by four Wards of the said town, namely, Lexden, Myland, Gryustede, and West Donyland. Which Jury say on their oaths that they know not, nor are able to learn, that any man was killed on St. John's Green, nor of any disorder of the Townsmen. For that they of the Abbey feloniously, and of malice aforethought, sent on the preceeding Wednesday to their Gallows at the Beorne, in the early morning, and took a certain thief, hung there the Sunday before, and brought him to the house of Note de Lammaley, and there secretly kept him till the coming of the said H. de Codenham after dinner. And the same H. in going towards the Abbey discovered that no one was able to approach the body on account of the stench, and four women carried it to the Church of St. Giles, and there caused it to be buried.

It was an ingenious device to circumvent the townsfolk ; but this is not all. We see the Abbot exercising the cherished privilege of the gallows which was at the "Beorne." I presume what are now called Bourn Ponds are near it. Sunday, we learn, too, was the day of execution in the Abbots' Manors.

A few pages further on is an account of the arrest of "Geoffrey Story, Abbot of St. John," for High Treason, in the 6th year of Henry IV., in Lent, together with John Herst, one of his Monks. The Abbot was carried from his chamber to the Moot Hall, being ill at the time, in a chair, by John Cowman, his servant, and John Skot, servant of the Sheriff, and there imprisoned for five weeks, and afterwards taken to the Castle of Nottingham. William Denton, another of the fraternity, was taken to the town prison and there loaded with "great iron chains."

At folio 182 is an entry recording one of those blots in the History of a Country, the burning of a man in the name of religion.



The Martyr was one William Chivelyng, of Colchester, Tailor. The particulars of his heretical opinions are not given. The date is the 7th year of Henry VI. No allusion to it is found in the voluminous annals of Fox, who, however, has the name among those who fled from a persecution in Kent in the year 1416. "What afterwards happened to them," says Fox, "in the Register doth not appear, but like it is, at length they were forced to submit themselves."

It is probable, however, that Chivelyng took refuge for a time at Colchester, only to add some twelve years to his life, and then to die a Martyr's death. The record itself tells all I have been able to find on the subject:—

"Memorandum that on Wednesday, in the Vigil of the Apostles Simon and Jude, in the time of John Beche and Robert Selby, Bailiffs of Colchester, in the 7<sup>th</sup> year of King Henry VI., one William Chivelyng, of Colchester, Tailor, was condemned for Heresy, before Master David Price, Vicar in Spirituals of the Venerable Lord William Lord Bishop of London, in the Church of St. Nicholas, Colchester. And for that cause he was committed to the custody of the Bailiffs, by whose order he was conveyed to the Moothall, and there detained in prison. Whereupon the said Bailiffs sent to the Chancery of our Lord the King for a certain Writ for the burning of the said William, which same writ follows in these words :—

"Henry by the Grace of God King of England and France and Lord of Ireland, to the Bailiffs of his town of Colchester, Greeting. Whereas Master David Price, Vicar-General of William Lord Bishop of London (the same Bishop being in foreign parts), with assent of Clerks of the same Diocese, by due course of law in that behalf by his definitive sentence pronounced and declared as a manifest heretic William Chivelyng, of Colchester, Tailor, and in accordance with the Canon Law in that behalf decreed and declared, condemned him for heresy, as the before-named Vicar has certified to us in our Chancery and Holy Mother Church, has nothing further to do in the premises. We, therefore, zealous for justice and for the culture of Catholic Faith, desiring to maintain and defend Holy Church and the rights and liberties of the same, and such heresies and errors to root out from our realm of England, and to punish heretics, when convicted, with condign punishment, and mindful that heretics so convicted and condemned as aforesaid according to divine and human law and the canon law instituted and accustomed in that behalf, ought to be burned in the flames of fire. We strictly order and firmly enjoin you that you cause the before-named William, now in your charge, to be committed to the fire in any public and open place, the reason thereof being publicly stated to the people, and him in such fire to be actually burned in detestation of the crime, and for the manifest example of all Christians. And this you shall in no wise omit at your peril. Witness myself at Westminster, the 7<sup>th</sup> year of our reign."

"By virtue of which Writ of our said Lord the King to the before-named Bailiffs directed, the same William Chivelyng, Heretic, was burned at Colking's Castle before the Tower there, the Thursday next after the feast of All Saints, in the year aforesaid."

I have nothing further to say on this sad record, except to call attention to the Balcerne Gate being called *Colking's Castle* at that time, which seems to point to the fact of its having been so called as far back as Saxon times, as I have before said. King Coel's Pump and King Coel's Kitchen may well date only from



middle-age times, but here we have the Saxon form of “ King Coel ” used in the middle ages without apparently *any notion of its referring to the town celebrity.*

There is in this volume a number of Lists of Burgesses who took the Oath of Allegiance at various times, but the most complete List is that of the time of Henry VIII., made (as its heading states) when Allegiance was sworn to King Henry the Eighth and his heirs, begotten and to be begotten of his right dear beloved Queen Anne (Boleyn). 26th Henry VIII., 1535.

Every parish has its List and every Religious House, and the following was the total :—

		<i>Brought forward</i> . . . . .	692
St. Runwold . . . . .	30	St. Botolph . . . . .	165
All Saints . . . . .	34	„ James . . . . .	128
Trinity . . . . .	27	Grynsted . . . . .	27
Magdalen . . . . .	24	West Donyland . . . . .	11
Nicholas . . . . .	84	Myland . . . . .	30
Martin . . . . .	63	Lexden . . . . .	38
Peter . . . . .	119	House of St. Botolph . . . . .	9
Mary-at-Wall . . . . .	58	St. John's . . . . .	24
Giles . . . . .	112	Holy Cross . . . . .	12
Leonard . . . . .	141		
<hr/>			
<i>Carried forward</i> . . . . .	692		1136

So that here are the names of the 1136 Burgesses of Colchester in the 26th of Henry VIII., arranged in their several parishes.

Two Wills are extracted from the Court Rolls, and as the originals are lost, they are doubly valuable.

The first is of John Elys, dated 1485. He resided in the parish of St. James, and desired to be buried in the Chancel there before the image of St. James. He devised his house in East Street, with the Rentaries (small tenements in front of the Court Yard of the House, and let for Shops and Tradesmen's dwellings) to his wife Margaret for her life, with remainder to his son John. He then directed that immediately after his decease three images should be made and placed upon the East Gate of Colchester. Of these one was to be St. Helen (the Patron Saint of the Town), another St. Margaret (evidently because that was the name of his wife), and St. John the Baptist (his own name being John).

I have many times heard the most recondite reasons suggested for the figures of particular Saints being selected to adorn some public building, when, if the truth could be ascertained, they were there for as common-place a motive as those on the East Gate.

The other Will is of Matthew Rede, of St. Runwold's, dated 1517. He desires to be buried in the Churchyard of St. Runwold's, and he gives 6s. 8d. to the Convent of St. Botolph's for a dirge and mass of requiem, and to the Prior of the Crossed Friars to say eight masses at "Scala Celi" there, and after other devises and bequests he gives to the prisoners in the Mote hall, and *also to the prisoners in the Castle*, to be indifferently dealt amongst them, 2s. So the Castle was *then* a prison.

There is a Writ addressed to the Bailiffs by the Sheriff of Essex, Humfrey Bohun, in the 33rd year of Henry VI. It is a Writ of Capias to arrest one Thomas Fuller, of Halstead, Weaver, to answer at Westminster to Henry Viscount de Bouchier for unjustly detaining £49. 10s. 4d., and further that as he had fled to Sanctuary in the Bailiffwick of Colchester they had returned *non est inventus* to a previous writ. Therefore the order was as before, to take him if he be found in their Bailiffwick, and have him on a certain day at Westminster; meantime, every week for five weeks, they were to make public proclamation at the Gate of the Sanctuary for the said Thomas to appear at Westminster on such day. By virtue of which Writ the said Bailiffs, by John Horndon, their (Town) Clerk, and Robert Hoton, Town Serjeant, made proclamation five succeeding weeks at the Gate of the Abbey of St. John according to the form of such Writ. It is not stated whether these continuous proclamations had any effect on Thomas Fuller or not.

But the most interesting matters were the Ordinances made for various trades about the time of Edward the Fourth. I may be able hereafter to fix the date with tolerable certainty, as I am anxious to do on account of some of the facts arising out of them, but they are undated, so that some care and patience will be required to make it out.

These ordinances exhibit the restrictions on trade in no very pleasant light. It seems to be taken for granted that every tradesman would cheat unless every possible obstacle was put in his way; so fines are heaped on fines, and if these won't prevent there are the stocks, the ducking stool, and the pillory.

*The Millers* are first dealt with. They were to use none but sealed measures; they were to have a quart of wheat of every bushel for the grinding, and another if they fetched it. Of malt a pint for grinding and another for fetching. They were neither to change nor water any man's corn, nor to give worse for better. Were to keep no hogs, geese, ducks, nor poultry, except three hens and a cock. For every offence to be fined 3s. 4d., the third time to be judged to the "Pilloric."

*The Bakers' Assize* is 6d. "highing" and 6d. "lowing" in the price of wheat per quarter. If the farthing loaf was deficient an ounce the fine was 20d., and if an ounce and half 2s. And if he would not bake according to the Assize the pillory was his fate.

*The Brewers' Assize* was 12d. highing and 12d. lowing in the quarter of malt, always a shilling to a farthing, as when he buys a quarter of malt for 2s., then to sell a gallon of the best ale for two farthings, and to make 48 gallons of a quarter of malt. And so on to 8s., but no further. To send for the ale-taster before he sells any ale. All measures to be sealed, and a quart of ale to be set on the table for a half-penny ; fines 12d., 20d., and 3s. 4d., and after two warnings first the ducking stool and then the pillory.

(So that it appears that although this business was not then exclusively in the hands of women, the woman's punishment, the ducking stool, was still retained.)

*The Butcher* is to have a penny in the shilling of the cost of his meat, and the head and inside and feet of all cattle that " feed and seek not," and the head, offal, and skin of those which seek and feed not, (!) bringing the skin into the market with the flesh. He is to kill no Bull unbaited, no Cow with Calf nor a " bulling," no Sow with Pig nor a " bremming," no Ewe with Lamb nor a " raming." Not to sell corrupt flesh nor to " blow " \* any flesh. Fines 1s., 20d., 3s. 4d. And if he sell " festered " flesh the pillory.

*The Fisher* is to take no excess more than a penny in the shilling, nor to forstall, nor regrate, but set his fish in the open market. Nor to sell unseasonable or " fectife " fish. Fines 1s., 20d., 3s. 4d., and on the fourth offence to be put in stocks in the market-place.

*The Cook* is to sell both fish and flesh, good and wholesome in seething, roasting, and baking, and not to cook anything twice. Fine for every offence 3s. 4d., the third time the pillory.

*The Innholder* to have his measures sealed that he sell his ale, wine and provender by ; to have a penny over the market price of every bushel ; his half-penny bottle of hay shall weigh 7lbs., or three bottles a penny, though a load of hay should be sold for 13s. 4d. His faggot of wood to be a yard of long hand and three shaftmond and a half about. (The shaftmond was an ancient measure from the top of the extended thumb to the outside of the palm of the hand, about six inches.) His penny faggot to be 7 shaftmond about. He was to sell a pot of best ale of three pints for a penny, and if he brews, to sell as any other brewer, but not

\* In the neighbourhood of Peterborough I heard they were in the habit now of " blowing " up poultry for sale to this day.

to bake bread for sale. Fines 12d., 20d., and 3s. 4d., and "if he keep any bawdry within him," fine 6s. 8d. And if he will not beware after two warnings then to be put in the pillory and after to forswear the town.

*The Tavern Keeper* was to take no greater profit than 2d. in the gallon of white or red wine, and of sweet wine 4d. And to sell none till he has sent for the town officers to taste if it be good, wholesome, and *able* wine, and to gauge his vessels and mark their heads, *and to be sworn as to the cost*, and then to sell by sealed measure, and not to make nor "meddle" (mix) any wine himself. Fines 12d., 20d., and 3s. 4d. And if he sell faulty wine, his tavern to be "sealed in," and he "to pay a fine at the Will of the Lord of the Franchise," and after to be judged according to the statute.

*The Spicer* to have sealed weights and true beam, and not to sell *by horns or aim of hand*; nor by subtilty to deceive the poor commons. His spice to be good and clean *garbelled* (that is, cleared of impurities). Fines as before. Finally to be dealt with according to the statute.

*The Weaver* to use *no stones*, but sealed weights only, and to sell no man's thrums, linen, or woollen; but every man to have his own. In default, to be "merced" according to the statute.

*The Tanner* to tan no sheep's, goats', deer, horses, nor hounds' leather, and all he sells to be thorough tanned. Fine 6s. 8d. and forfeiture; and after two warnings, the statute to be enforced.

*The Cordwainer* to make no shoes nor boots but of neats' or calves' leather, thoroughly tanned and well curried, but not to curry himself. Fine 6s. 8d. and forfeiture. After two warnings, the statute to be enforced.

*The White Tawer* to taw only sheep's, goats', deer, horses, and hounds' leather; to be made of sufficient stuff. Offenders to be amerced according to the statute.

(These dressed skins with Alum after the old Roman method; successors of the Alutarii.)

*The Currier* to curry no leather unless it be thoroughly tanned. An officer of the town to see that his stuff is *able* and leather thoroughly curried. Offending, to be amerced according to the statute.

*The Almaine Artificer*, be he Grocer, Mercer, Smith, Draper, and any other



Craftsman, to sell nor use any weight or measure, unless sealed according to the King's Standard. To be amerced if offending, according to the statute.

These are all the Ordinances made at that time, but another is added in the same hand, and very shortly after; but sufficiently long for a great change to have taken place. The Ordinance is a new one for the Brewers, and Hops are newly introduced into the composition of Beer. It seems to be addressed rather to the Corporation Officer than to the Brewer:—

“Thou owe to make good, due, and diligent serche by them self or their deputies,” seeing alway that “as well the malt as the hoppes be perfect, wholesome and of good odour;” that the malt be of good, sufficient and wholesome corn—that is to say of clean barley and *oats*, or together of barley and *wheat*, not overmuch dried, *not stinking nor full of vermin, called weevils!* and that the hoppes be not stinking nor old. Every brewing, assay is to be made if the bier have sufficient of the hoppes, and that it be enough sodden, and not scalt. It is to be had out of the Brewhouse within eight days after brewing, and the searchers are to see that when a quarter of malt may be sold for 3<sup>s</sup>. 4<sup>d</sup>., then a barrel of beer called “*double coyte*”<sup>\*</sup> containing 36 gallons, shall be sold for 2<sup>s</sup>. 8<sup>d</sup>., and when a quarter of malt is 4<sup>s</sup>., the barrel of beer to be 3<sup>s</sup>. 4<sup>d</sup>., and so in like wise the price of every shilling in a quarter of malt must be raised or lessened a farthing a gallon in the beer called “*double coyte*,” and a barrel called single coyte, containing also 36 gallons, must be sold for 2<sup>s</sup>.” If any defaults are found, the whole is liable to forfeiture; the searchers’ fee to be a half penny in every barrel of beer.

I have endeavoured to translate these Ordinances into somewhat plainer English than that in which they are written: their ancient garb would have been scarcely sufficiently intelligible.

An entry of a later date than any of the preceding must close my extracts from this volume.

It is a document of unusual character, being a report by the Burgesses in Parliament of their doings in the first Session of Parliament in the first year of Henry VII. The Record on the Rolls of Parliament is much more full, but does not give what took place from day to day as is given here. Details of other proceedings are here found, not there recorded—as, for instance, that on the first day the King, with the Lords Spiritual and Temporal, attended a Mass of the Holy Ghost in the Abbey, whilst the Lord Steward called over the names of the assembled Commons. The Chancellor’s Sermon on the Theme, “*Intende, prospere, procede et regna,*” given at some length in the Rolls, with the curious jumble of references to Agrippa, Titus Livius, Isidorus, St. Ambrose, Ovid’s *Metamorphoses*, and Joshua, is simply

<sup>\*</sup> Perhaps this term survives among the Colchester Brewers. I have not met with it elsewhere.

recorded here as “ a worshipful sermon, in that he showed many worshipful points forth.”

The Act of Resumption of the Duchies of Lancaster and Cornwall, and other important doings, are not noticed, still it is a very remarkable document, and evidently genuine.

These be the acts of the Parlement holden at Westminster the first year of King Herry the VII<sup>th</sup>, than Burgesses of the Parlement, Thomas Cristemasse and John Virtue.

To the pleasure of allmighty God the welth, prosperity, and suertie of this Reame of Englonde to the singuler comforth of all the King's subjets of the same, and in avoiding of all ambiguities and questions, be it ordeyned, established, and enaeted by auctorite of this present Parlement, that thenheritans of the Corons of the Realmes of Englonde and of France, with all the p<sup>r</sup>eminence and dignite Royall to the same pertaining, and all other seignuries of the King belonging beyonde the See, w<sup>t</sup> thappurtenances thereto in any wise due or pteyning be, rest, remayne, and abide in the most Roiall persone of our nowe Soveraine lord Kyng Herry the VII<sup>th</sup> and in the heires of his body lawfully coming, perpetually w<sup>t</sup> the grace of god so to endure. And in noon other.

Ye shall swere that ye from hensforth, contre to the lawe of this lond, shall not receyve, aid, nor comfort eny persone oppynly accursed, murtherer, felon, or outlawed for felony, by you knowen so to be. Nor eny suche persone lett to be attached or taken therefore by the ordre of the lawe of this lond contrarie to the same lawe. Nor reteyne any man by indenture, promyse, or othe, nor geve lyvery, signe, or tokyn, contrarie to the seid lawe, but whan ye shall doo actual servyce to the Kyng by his high comaundement. Nor eny embracerie, riott, or eny unlawfull mayntenaunce or assemble, make, doo, or cause to be doon, or made, or assent thereto ; nor let, or chuse to be lettred, the execucion of eny of the Kyng's Writts or Precepts directed to such lawfull ministres and officers as owght to have execution of the same. Nor lett eny man to baille or maynprice, knowyng or demyng hym to be a felon, uppon your honoure and wurshipp, so god you helpe and his saints.

Mast Baillies and all my Mast's accordyng unto our Deute we went to Westmynest', the vij<sup>th</sup> day of Novembre, the yere abovesaid, by ix of the clocke, and there we gave atendawnse upon the Kyng's grace, withyn that same oure it pleased the Kyng's high grace and all his lords, spiritualæ and temporalæ, that was there present, soo came downe oute of the parlement chamber into the cherche of Westmynst', and there was seid the masse of the holy gost in that while that masse wasse a seyyng cam my lord Stuard into the parlement chamber and there comaundid a proclamacon for the Kyng that every Knyght that war chosyn for the sheris, and ev'y fit citizener for the cities, and every Burgesses for borowes, that they shuld aunswer be their names. And so they were callyd and resseyved in to the parlement chamber. And son after that doon it pleasid the Kyng's grace, and all his lords, spirituall and temporall, cam into the parlement chamber and there  
 ryall estat, and all his lords, spiritualls and temporalls, and all his Judgges  
 Kyng's grace for to comaund my Lord Chaunseler for to show the propo  
 worshipfull sermon in that he showed many worshipfull poynts forth  
 that don the Kyng comaunded my lord Chaunseler that he shuld  
 Knyghts, settysens and burgesses, that they shuld semble to the parlement house.

The viij<sup>th</sup> day of November, be ix of the clocke, so for to prosede unto a lection for to chose a spekir, so the lection gave hir voyce to Thomas lovell, a gentelman, of lyncolnes Inne, that doon it pleased the Knyghts that wer ther present for to ryse from ther sets, and so for to goo to that place

wher as the speker stode, and brought hym and set hym in his sete, that doon ther he thanked all the maistrs of the plase, than it plesed the recorder of london for to shewe the custume of the plase : this was his seying, Maister Spekir and all my Maisters, ther hath been an order in this place in tymes passed that ye shuld comaund a certain of Knyghts and other gentilmen, suche as it plesith you, to the nombre of xxiiij, and they to goo togedir unto my lord chaunseler. And ther for to shew unto his lordship that they have doon the Kyng's comaundement in the chosyng of our speker, desyryng his lordship if that he wold show it unto the King's grace, and whan it plesith the King to comaunde us whan we shall present hym afore his high grace, yt pleased the Kyng that we shuld present him upon the ix day of November, that same day at x of the cloke, sembled maister speker and all the Knyghts, sittonners, and Burgesses in the parlement howse, and so departed into the parlement chamber before the Kyng's Grace, and all his lords, spirituall and temporall, and all his judges, and so presented our speker before the Kyng's grace, and all his lords, spirituall and temporall.

The x<sup>th</sup> day of Novembr ther was red a byll for the subeedy between the Kyng and the merchaunts, whiche bylle was examined amonges us and other divers maters, and none conclusiou.

The xj<sup>th</sup> day of Novembr the same byll was red afore us, and ther passed as an Awete, and that doon, Maister Speker comaunded iiij gentylmen for to ber it to my lord chaunseler, desyryng his lordship that he wold certifie the Kyng's good grace with all.

The xij<sup>th</sup> day of Novembr ther cam a byll from the Quene Elizabeth that was & so red for soche certeyn desyres for Castells and for other possessions that she was possed of in Kyng Edward's day. And so red.

The xiiij day of Novembr it was sonday.

The xiiij day ther wer arguments, for such came to non conclusion.

The xv<sup>th</sup> day of Novembr ther passed a byll with Master Hawte for to restore hym unto his londs the whiche he was ataynte be awete of parlement in Kyng Richard's day.

The xvj day of Novembr ther war qwestions moved for the comenwel<sup>e</sup> of thise false persouns which hath reyned many dayes amongst us, and non conclusion.

The xvij day of Novembr ther cam in the Conteys of Warwik, and ther she shewed a piteous compleynt. And therupon she delyvered a Byll.

The xvijj day of Novembr it pleased the Kyng's good Graace to send us downe a byll that he  
 \* \* \* \* \* with his lords be advyse of an othe that no man shulde support  
 \* \* \* \* \* lawful mayntenance by the mene of the lyveries  
 gevyng neyther be non other menes.

The xix day Sir John Wynkefeld brought in a byll of such wronges and hurts as he felt hym agrieved of, and so delyvered a byll.

The xx day it was sonday.

The xxj day of Novembr ther passyd a byll as an Awete for to restore blyssed Kyng Harry and Qwene Marget and prynce Edward upon such a Teynte as was shewed by Awete of Parlement be King Edward the iiij<sup>th</sup>, also ther passed a byll for my lady the Kyng's moder, for to restore her of such possessyons as she was a teynt of by the parlement of Kyng Richard, Kyng in Ded and nat of ryght ; also ther passed a byll the same daye as an Awete Sir James Loterell to restore hym of his londs suche as he was a teynt of, and all his heyres be awete of parliament by Kyng Edward the first yer of his reyne.

The xxij day of Novembr ther cam in a byll by Duke of Bedford of compleynte upon a Teynte, the whiche passed by an Awete of Parlement in Kyng Edward's dayes. The whiche that is restored of us that aute had never be made.



The xxiiij day of Novembr ther cam in a Byll of Compleynt by the Bushop of Ely and the Bushop of Salusbury and by the Byshop o' Excetyr, they desyred to be restored of that they wer a teynt off be Awete of Parliament in Kyng Richard's dayes. And so passed as an Aucte, and so restored.

The xxiiij day of Novembr Knyghts and Sqwyeres and other Gentyllmen and yemen of the Crowne, and with odir yomen, to the nombre of vj skore, they wer restored afir the form as is a bove rehirsed.

The xxv day of Novembr ther wer red certeyn bylls, and ther upon wer arguments and nothing passed that day.

The xxvj day of Novembr we gave atendaunce in the Cheker for to dyscharge our Fe Farme with Appylton, and with Tynt and Hynkeley. And the Chamberlyn was ther present.

The xxvij day it was Sondag.

The xxviiij day of November ther was a comenyng for the Comen well of all the lond for to se a remedy for this fals mony which that reyneth in the lond disseyvyng of the Kyng's leige people. And so continued the xxix.

The xxx day of Novemb cam down the Clarke of the Crowne by the Comaundement of the Kyng, and his lords spirituall and temporall, with xij bylls, and so resevyed and red that day.

The fyrst day of December ther passed a byll with Th : Thorp ageyn John Colte for such certeyn londs that he hath held of his be his wronge, and so he was restored.

The secunde day of Decembr ther passed a byll with Sir Th Drylond as an aucte for certeyn londs and tents that he was a teynt of be aucte of parlement in Kyng Edward's dayes, and therupon he was restored. The same daye ther passed a byll with Sir John Weynescotte as an Awete for to restore hym a geyn un to hys londs.

The iiij<sup>a</sup> day of Decembr ther came down ix bylls be the Kyng's comaund \* \* \* his lords, spirituall and temporall, delyvered unto us by the Clerke of the \* \* \* \* so they wer red for that day with odir maters that war reserved.

The iiij day it was sonday.

The v day of Decembr ther passed a byll with Sir John Gyfford as an awete for to restore him of his londs that he was a teint of be aucte of parlement.

The vj day of Decembr ther passed a byll as an awete w<sup>t</sup> therle of Oxynforde and his brodir George Fear, and his brother Th. Fear, to restore them of all ther londs which as they wer a teynt of be aucte of Parlement in Kyng Edward's days. The same day passed a byll as an aucte with Lord Wells to restore hym to all his londs that he was a teint of be aucte of parliament. The same day passed a byll as an Aucte with my lord Hungerford to restore hym ageyn to hys londs that he was a teint of be aucte of Parliament in Kyng Edward's days.

The vij day of Decembr ther passed a byll with Foster as an aucte for to restore hym of all his londs that he was a teynt be aucte of Parliament. The same day ther passed a byll with Maister Wilby, as it is abovesaid. The same day ther passed a byll with maister Tressom after the same maner of forme.

The viij day it was our lady day.

The ix day cam in the byll of a Teynt and sore was questioned with. The same day cam in a byll with therle of Stafford and w<sup>t</sup> his modir my lady of Bedford, savyng hym the Tytyll of his londs and his moder Joyntour, and so was red the same day.

The x day ther passed the same byll of a Teynt ; the same day passed a byll as aucte with therle of Stafford and with my lady his moder to restitution of ther londs ; the same day ther passed another byll that ther shuld no man take non Action ageynst non of them that had eny patent, nor no byll assnyed, nor non that was pved that had occupied in his own wronge in tyme the parlement be ended.



Also the same day ther passed a byll for the court of request that it is a nulled. And it shall be occupied no more. The same day it pleased the Kyng and all his lords for to send for Maister Speker and all the howse in to the parliament chambir. And we cam there and wayted upon his grace. So it pleased his grace to comaunde my lord Chaunseler to proroge his high Court of Parliament into the xxiiij day of Januarie.

Thes be the Gentilmen that be a Teynt :—

RICHARD LATE DUKE OF GLOWCET,  
JOHN LATE DUKE OF NORFF,  
THOMAS LATE YERLE OF SURR,  
FRAUNCOYS LOVELL,  
WATER DORIES (DEVEREUX),  
JOHN LORD SOWCH,  
ROBERD HARYNGTON,

RICHARD CHARLTON,  
RICHARD RATCLYFFE,  
WILLM BARKELEY OF EWLY,  
ROBERD BRAKENBURY,

THOMAS PYLKYNNGTON,  
ROBERT MYDYLTON,

JAMES HARYNGTON,  
WATER HOPTON,

WILLM CATTYSBY,  
ROGER WAKE,  
WILLM SAPCOTT,  
HUMFREY STAEFORD,  
WILLM CLERK,  
GEEFFREY ST. GERMAIONS,  
ROBT. WATKYNNES,  
                    horowd of armes,  
RICHARD REVELL,  
                    of Derby Shire,  
THOMAS PULTER OF SURR,  
JOHN WALSHE odwise,  
                    called HASTYNGS,  
JOHN BUC,  
JOHN KENDALL,  
                    late Secretary,  
WILLM BRAMPTON.

“ Andrew Ratt ” is omitted from this list.

Of the other Books used for Books of Entry the next in point of date is the Examination Book No. 4, known also as the “ Liber Ordinacionum,” from the Ordinances of the 9th of Elizabeth about the Fishery being in it. I have paged this Book, and given a full note of the contents in the Repertory. Examinations occupy the first part of the book to p. 81 ; then follow Orders for Brewing of Beer, and a variety of other local matters (including the Bottle Maker’s Oath) from the 4th to the 10th Elizabeth. Many of them merit extended notice. The Fishery Ordinances are at page 109.

The next Book used for Entries is the Monday Court Book, 1571 to 1575 (A. 3.) It contains the Hundred Court Minutes for that period, Assembly Minutes from 1573 to 1576, and a carefully prepared list of Refugees in 1573, with the number in each family, and in what parishes they had fixed themselves. There are descendants of these persons still residing in Colchester. There are notices of early Contributions for Poor Relief and the disbursements, and a Town Rental, undated, but about 1576.

The next Book used for a like purpose is the Thursday Court Book, 1571 to 1576 (C. 1), which contains a variety of Privy Council Letters and Orders, 19th to 28th Elizabeth, about Pirates and Piracy, Musters, Killing Meat in Lent, and Orders about Corn. A careful note of them is given in the Repertory.

The last volume so used is the Examination Book for 1588 to 1600 (C. 8), which contains transcripts of Proclamations, 1581 to 1583, about drying fish, prices of wine, Jesuit Traitors, and for keeping term at Hertford instead of London, on account of the Plague, 8th October, 24th of Elizabeth, and the Order of Justices fixing the rate of Wages in 1583—another document that should be printed.

Of the other Manuscript Books I have already alluded to one, Mr. Strutt's careful transcripts of many of the Colchester Charters, which should be completed, and would form a starting point for a documentary History of Colchester. The great defect in Morant and the other Histories of Colchester is the absence of authentic documents.

There is another Manuscript Volume of some interest, containing, amongst other things, a daily record of the great contests about the Elections before the Parliamentary Committees in 1706 and 1713.

I have thus endeavoured to give the Committee some idea of the character and value of the various documents in the Record Room, and while I congratulate them on having been enabled to put them in a place of safety, I hope I may be permitted to state that they would do a very acceptable service by urging the Corporation to make a selection of the documents for publication.

I am,

GENTLEMEN,

Your very obedient Servant,

HENRY HARROD, F.S.A.

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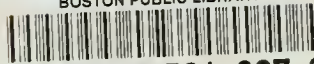
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